

CITES:

A CONSERVATION TOOL - CONTENTS PAGE

A Guide to Amending the Appendices
to the Convention on International Trade
in Endangered Species of Wild Fauna and Flora

Seventh Edition

Prepared for the Twelfth Meeting of the Conference of the
Parties

November 2002
Hosted by Chile

Edited by Alison Rosser, Mandy Haywood and Donna Harris

IUCN Species Survival Commission
September 2001



The Rufford Foundation



Council of Agriculture, Taiwan



Species Survival Commission



The World Conservation Union

CITES: A Conservation Tool

**A Guide to Amending the Appendices to the
Convention on International Trade in
Endangered Species of Wild Fauna and Flora**

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TABLE OF CONTENTS

1. INTRODUCTORY MATERIAL

- 1.1 Introduction
 - How to use this book
 - Acknowledgements
- 1.2 Article II of the Convention: The species to be included in the Appendices, and the level of regulation which shall apply to these species.
- 1.3 New Approaches to the Classification of species into the CITES Appendices
 - Then: The Berne Criteria (1976)
 - Now: Resolution Conf. 9.24 Criteria (1994)
 - Quantitative guidelines
 - Criteria Review Working Group (CRWG)

2. CRITERIA AND GUIDELINES FOR AMENDING THE APPENDICES

- 2.1 Current listings in the Appendices
 - Special cases and conditions
 - The format of Resolution Conf. 9.24
- 2.2 Adding A Species to Appendix I
 - Interpreting the Criteria
 - Other considerations
 - Decisions to Amend Appendix I
- 2.3 Adding species to Appendix II
 - Inclusion in Appendix II of species which may become threatened
 - Inclusion in Appendix II of species to improve control of other species listed in the Appendices
- 2.4 Adding species to Appendix III
- 2.5 [Decision tree diagram - Inclusion of a previously unlisted species or higher taxon in one or other of the Appendices](#)
- 2.6 Transfer of species from Appendix I
 - Species not in trade
 - Non-threatened species
 - Transfer to Appendix II subject to export quotas
 - Transfer to Appendix II subject to ranching
 - Transfer of Marine Turtles to Appendix II subject to ranching
 - Special conditions for the transfer of African Elephant populations to Appendix II
- 2.7 Removing species from Appendix II
- 2.8 Removing species from Appendix III
- 2.9a [Decision tree diagram - Transfer from one Appendix to another of a species or higher taxon](#)
- 2.9b [Decision tree diagram - Removal from the Appendices or Transfer from one Appendix to another of a species or higher taxon](#)

3. PROCEDURES FOR AMENDING THE APPENDICES AND FOR REVIEW

- 3.1 Procedures for Amending Appendices I and II
 - Timetable for submission of proposals to amend the Appendices
 - Amendments to be considered at the meeting of the Conference of the Parties
 - Amendments to be considered between the meetings of the Conference of the Parties
 - Transfer from Appendix I to Appendix II
- 3.2 Review procedures for transfers from Appendix I to Appendix II based on

- quotas or ranching
- Marine turtle ranching criteria
- 3.3 Quotas for species included in Appendix I
- 3.4 Procedures for Appendix III
- 3.5 Reservations with respect to Amendments to the Appendices

4. APPROVAL OF CAPTIVE BREEDING OPERATIONS OF APPENDIX I SPECIES FOR COMMERCIAL PURPOSES

ANNEXES TO THE GUIDE

1. [Text of the Convention](#)
2. [Consolidation of Resolutions](#)
 - 2.1 [Overview](#)
 - 2.2 [Resolutions remaining in force](#)
3. [Agency addresses](#)
4. [List of Parties](#)
5. [Glossary](#)
6. [Selected Resolutions](#) - [SEE CITES WEB SITE](#)

General Resolutions - **listed for reference but not included in this document**

Conf. 8.9 (Rev.) Trade in specimens of Appendix-II species taken from the wild

Conf. 8.15 Guidelines for a procedure to register and monitor operations breeding Appendix I animals for commercial purposes

Conf. 8.21 Consultation with range states on proposals to amend Appendices I and II

Conf. 9.21 The interpretation and application of quotas for species included in Appendix I

Conf. 9.24 Criteria for amendment of Appendices I and II

Conf. 9.25 (Rev.) Inclusion of species in Appendix III

Conf. 10.16 (Rev.) Specimens of animal species bred in captivity

Conf. 10.19 Traditional medicines

Conf. 11.11 Regulation of trade in plants

Conf. 11.14 Guidelines for a procedure to register and monitor operations that breed Appendix I animal species for commercial purposes

Conf. 11.16 Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II

Conf. 11.21 Use of annotations in Appendices I and II

Conf. 11.22 Standard nomenclature

Species-Specific Resolutions

Conf. 8.22 (Rev.) Additional criteria for the establishment of captive breeding operations for crocodilians

Conf. 9.14 (Rev.) Conservation of and trade in African and Asian rhinoceros

Conf. 9.20 (Rev.) Guidelines for evaluating marine turtle ranching proposals submitted pursuant to Resolution Conf. 10.18

Conf. 10.8 Conservation of and trade in bears

Conf. 10.9 Consideration of proposals for the transfer of African elephant populations from Appendix I to II

Conf. 10.10 (Rev.) Trade in elephant specimens

Conf. 10.12 (Rev.) Conservation of sturgeons

Conf. 10.13 Implementation of the Convention for timber species

Conf. 10.14 Quotas for leopard hunting trophies and skins for personal use

Conf. 10.15 (Rev.) Establishment of quotas for Markhor hunting trophies

- Conf. 11.4** Conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission
- Conf. 11.5** Conservation of and trade in tigers
- Conf. 11.6** Trade in vicuña cloth
- Conf. 11.7** Conservation of and trade in musk deer
- Conf. 11.8** Conservation of and control of trade in Tibetan antelope
- Conf. 11.9** Conservation of and trade in freshwater turtles and tortoises in Asia and other regions
- Conf. 11.10** Trade in hard corals
- Conf. 11.12** Universal tagging system for the identification of crocodilian skins

Process-Related Resolutions

- Conf. 4.6 (Rev.)** Submission of draft resolutions and other documents for meetings of the Conference of the Parties
- Conf. 4.25** Effects of reservations
- Conf. 5.10** Definition of 'primarily commercial purposes'
- Conf. 9.6 (Rev.)** Trade in readily recognisable parts and derivatives
- Conf. 11.1** Establishment of Committees

1. INTRODUCTORY MATERIAL

1.1 INTRODUCTION

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was concluded in 1973 and entered into force on 1 July, 1975. It now counts 154 countries as Parties, or member states (as of 6th August, 2001). The treaty was developed in response to concerns about the potential detrimental effects on species' survival of high levels of international trade in wild animals and plants. It establishes the international legal framework for the prevention of trade in endangered species and for an effective regulation of trade in certain other species.

The treaty's fundamental principles determine the species to be listed in the various Appendices on the basis of the different levels of threat posed by international trade and detail appropriate levels of trade regulation. The four Appendices to the Convention form the basis for implementation of the treaty. Appendices I, II, and III establish different levels of trade restriction for species listed on each of these three Appendices. Appendix IV makes provision for the issue of permits which are required before international trade in the species listed on Appendices I, II or III can occur.

Amendments to the CITES Appendices can include the addition to or removal from an Appendix of a species, or transfer of species between Appendices. The Appendices are amended at least every two years, in accordance with procedures and criteria set out in the treaty and through resolutions adopted by the Conference of the Parties at their biennial meetings. Proposals to amend the Appendices may only be submitted by CITES member governments. Nonetheless, the process of amending the Appendices is increasingly a collaborative one, drawing on expertise from non-government sectors and involving agencies in both range and non-range States in the examination of the problems that CITES amendments aim to address.

How to use this book

This booklet attempts to provide the Parties and others with a single document to guide them through the Convention's articles and subsequent resolutions governing the submission, presentation and adoption of proposals to amend the Appendices. As in earlier editions, the format and presentation have been designed to facilitate access to those passages in the text of the treaty and resolutions that are relevant to amending the Appendices. In response to the positive feedback from questionnaires (34 Parties responded) the structure of this booklet has altered slightly with more emphasis on the user-friendly decision tree (flow chart) approach. A glossary of Convention terms has also been inserted. The glossary and boxes are included with the primary intention of assisting new member states and/or those for whom English is not their first language. However, a much wider audience may benefit from such additions.

Chapter 1

This introductory Chapter presents the fundamental principles of the Convention, which form the basis for any amendments to the Appendices. This is followed by a section which details the thinking behind the development of the criteria for listing species on the Appendices, detailed in Resolution Conf. 9.24.

Chapter 2

In Chapter 2, the readers are then guided through the process of determining which type of amendment proposal is appropriate for the species they wish to protect, by evaluating the various trade and biological criteria presented in Resolution Conf. 9.24. (The options range from: inclusion in Appendix I, II or III through transfer from Appendix I to Appendix II pursuant to certain conditions (ranching or application of an export quota) to removal from the Appendices). The interspersed decision trees aim to guide the reader through the booklet and ultimately the decision process itself.

Chapter 3

Once the appropriate amendment to an Appendix is selected, Chapter (3) includes a summary timetable to enable Parties to note the different deadlines that must be met for submission of the various types of amendment proposal. A new section has been added to aid interpretation of the Rules of Procedure regarding amendment proposals. This includes a step-by-step guide with particular emphasis on the treatment of proposals during the meeting. Chapter 3 also details the Review procedures which are required once a transfer from Appendix I to Appendix II based on export quotas or ranching has taken place. The mechanism for Parties to submit reservations on the listing of certain species is also described.

Chapter 4

Finally, the procedures and criteria for approval of commercial captive-breeding operations for CITES Appendix I species are presented in Chapter 4. Approval of such an operation essentially determines whether a captive population of an Appendix I species will be subject to trade restrictions applying to an Appendix I or Appendix II species. Although not resulting in an Appendix amendment, proposals for registration of operations breeding Appendix I species for commercial purposes are, in some instances, referred to the Conference of the Parties for decision.

Guide Annex

The final Section of this booklet, the Guide Annex, includes the treaty text; a list of resolutions adopted by the Parties that are still in force, some of which cover specific species issues that will be discussed at the next COP and are therefore reproduced in the following pages for ease of reference; the list of Parties; and addresses of the CITES Secretariat, IUCN, TRAFFIC Network Offices and the UNEP-World Conservation Monitoring Centre, who may be contacted for assistance and information on CITES and wildlife trade matters. While the resolutions reproduced in the Guide Annex pertain primarily to the Appendix amendment process, a few others have been included as they relate to issues scheduled for discussion at the twelfth meeting of the Conference of the Parties to be held from 3rd November 2002 in Santiago, Chile.

Acknowledgements

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Any views expressed in the booklet do not necessarily reflect those of IUCN or the other participating institutions.

1.2 ARTICLE II OF THE CONVENTION: THE SPECIES TO BE INCLUDED IN THE APPENDICES, AND THE LEVEL OF REGULATION WHICH SHALL APPLY TO THESE SPECIES

Article II of the Convention sets forth the following fundamental principles:

1. Appendix I shall include all species threatened with extinction that are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorised in exceptional circumstances.

2. Appendix II shall include:

(a) all species that although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilisation incompatible with their survival; and

(b) other species that must be subject to regulation in order that trade in specimens of certain species referred to in the above sub-paragraph may be brought under effective control.

3. Appendix III shall include all species that any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other parties in the control of trade.

4. The Parties shall not allow trade of specimens included in Appendices I, II, and III except in accordance with the provisions of the Convention.

1.3 NEW APPROACHES TO THE CLASSIFICATION OF SPECIES INTO THE CITES APPENDICES

CITES is a conservation tool of major importance and provides a global basis for the conservation of species in trade, through the listing of species which are or may be affected by international trade on Appendices to the Convention. Although the Convention recognises both trade and biological reasons for determining

whether a species should be listed on the Appendices, it provides little guidance on how to decide which species to list on the Appendices.

Then: The Berne Criteria (1976)

To provide further guidance on which species to list on the Appendices, resolutions were passed at the first Meeting of the Parties in 1976 in Berne. The Berne Criteria, as they came to be known, provided guidance on the kinds of information to be gathered on biological and trade status before a species was listed on the Appendices. However, the Berne Criteria did not help with interpreting the terms in the treaty text "threatened with extinction" or "affected by trade" which guide the decision on listing. In addition the Berne Criteria have made it virtually impossible for certain species to be transferred from Appendix I to Appendix II. This is because species were originally listed on Appendix I without even minimal population data to substantiate their status, yet their transfer was dependant upon evidence of improvement of status, and this cannot be demonstrated if their status was not documented or known at the time of their original listing. This inability to transfer species could have devalued the Appendices if they contained a vast array of species which are no longer at risk from trade nor appear similar to traded species (and therefore need to be listed for "look-alike" reasons).

Now: Resolution Conf. 9.24 Criteria (1994)

In 1994, to counteract these problems, the Parties adopted Resolution Conf. 9.24 which contains more objective, transparent criteria for categorising and listing species according to their risk of extinction. As species do not fall naturally into two groups of those that are threatened with extinction and those that are not, there is in fact a continuum of extinction risk, ranging from species that are very likely to go extinct in the near future to those that are abundant and secure at least for the foreseeable future. The aim of categorising and listing is to highlight those species at high risk over the short term. Consequently, in Resolution Conf. 9.24 criteria, guidance is provided on quantitative threshold population states for listing in Appendix I and II.

The criteria for listing must be equally applicable to as wide a variety of taxa as possible. There is no doubt that without explicit criteria the large-bodied, well known and charismatic species are more likely to be considered for listing, regardless of any biological justification. In addition, the criteria also had to accommodate the fact that for most species the fundamental information on wild status and trade is at best sparse. So the listing criteria must make good use of whatever information is available, yet not discriminate against poorly known taxa. Inference or projection can be used if such methods can be justified. For the efficient operation of the Convention, the criteria are designed to be relatively simple and practical so that species can be moved onto and off the Appendices as their circumstances dictate.

The Resolution Conf. 9.24 criteria rely on the fact that the risk of extinction can be gauged from information on the status and trends in species populations and their distributions. The measures in the Resolution Conf. 9.24 criteria include estimates of population size, area of distribution, observed or predicted rates of population decline or habitat loss and a variety of combinations of these. There are four different criteria and a species can qualify for Appendix I listing by meeting any one of the criteria. Different species experience threat in different ways, and to some extent this is related to their life form and hence to higher taxonomic groupings. In other words, we might expect to develop different criteria to evaluate extinction risk in mammals from those that are found to be useful for birds or for flowering plants. However, this is not always the case so it is more precautionary to evaluate all species against all the different criteria and allow any species that meets at least one to qualify, rather than to develop higher taxon specific criteria. Thus although it may appear that all species are being judged by the same standards, this is not so. In practise different major taxa qualify by different criteria. For example, in the validation exercises many mammal and bird species qualified for Appendix I by having limited and declining populations, many plant species because of their limited distribution in precarious habitats, and some long-lived timber species because of their rate of decline relative to their very long life span.

Quantitative Guidelines

For the system to be objective, transparent and of general applicability it is necessary for the criteria to have quantitative guidelines. However, this does not mean that rigorous survey data has to be available for the species to qualify. Notes accompanying the criteria state that estimation, inference and projection can all be used to reach a judgement about whether a species is likely to fall inside a guideline value for any of the

criteria, and that in the case of genuine uncertainty, the more precautionary decision should be made. The reasons for listing should be made clear so that they can be reviewed and refined as more data become available or as the circumstances change. In practice it has proved to be much easier to apply the quantitative guidelines than was anticipated, and for almost all the species tested using the new system it has been possible to make a decision.

Finally, there is the issue of where cut off points for guidelines are chosen. As was discussed above, the guideline values chosen are in a sense arbitrary. The Convention allows for trade to be effectively banned or to be closely managed and monitored. Precisely where on the continua of extinction risk and trade pressure the cut off points for each of these management options should be placed is not obvious. However, the guidance levels were reached after much Review by the Parties and Committees of CITES.

Criteria Review Process: Criteria Review Working Group (CRWG)

In adopting Resolution Conf. 9.24 on criteria for amendment of Appendices I and II, the Parties recommended “that the text and the annexes of this Resolution be fully Reviewed before the twelfth Meeting of the Conference of the Parties with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms”.

The Criteria Review Working Group (CRWG) was subsequently established to deal with this task. At the eleventh Meeting of the Conference of the Parties, the Parties adopted document Doc. 11.25, as amended, which established the following Review process:

That the CRWG will hold a meeting to produce an initial report (this took place in August 2000, Canberra, Australia). The Parties will be given the opportunity to comment on the report at a joint meeting of the Plants and Animals Committees (this took place in December 2000, in Shepherdstown, USA). The Chairs of the Plants and Animals Committees will prepare a report which will be subject to a second round of consultation (this report has been circulated in Notification 2001/037). A final report will then be submitted to the Standing Committee for approval. The approved report will then be submitted for consideration at the twelfth Meeting of the Conference of the Parties.

2. CRITERIA AND GUIDELINES FOR AMENDING THE APPENDICES

This Chapter is designed to show how the criteria should be used to assess whether species should be listed, whether a species is appropriately listed at present and, if not, what action should be taken. Procedures for amending the Appendices are set out in Chapters 3 and 4.

The text of the Convention gives little guidance on how to decide whether a “**species**” should be listed in an Appendix, and if so which Appendix to list it on. The criteria adopted in 1994 (Resolution Conf. 9.24) provide more guidance. As mentioned, these criteria are intended to make the process of listing species in the Appendices more consistent and objective.

2.1 CURRENT LISTINGS IN THE APPENDICES

CITES has been in operation for over twenty five years. As a result, any wild species is:

- Listed in Appendix I **or**
- Listed in Appendix II **or**
- Listed in Appendix III **or**
- Not listed at all

Special Cases and Conditions

There are a number of special cases, for example where some populations of a species are included in one Appendix and some in another (“split-listing” see Box 1), or where an entire higher taxon (for example a genus, a family or an order) is included in an Appendix. In addition there are some species or populations listed in Appendix II with special conditions attached, for example export is only permitted under a quota system, or only ranched animals may be exported (see “ranching” in the glossary).

BOX 1

SPLIT-LISTING

With **Resolution Conf. 9.24**, the Parties resolved that listing of a species in more than one Appendix should be avoided in view of the enforcement problems it creates. When split-listing is agreed, this should generally be based on national or continental populations, rather than subspecies. Split-listings that place some populations of a species in the Appendices, and the rest outside the Appendices, should normally not be permitted. For species outside the jurisdiction of any State (almost exclusively marine species), listing in the Appendices should use terms used in other relevant international agreements (if any) to define the population. If no such international agreement exists, then the Appendices should define the population by region or by geographic co-ordinates.

Resolution Conf. 11.22 recommended that only a subspecies generally recognized as a valid taxon, and easily identifiable in the traded form, should be proposed for inclusion in the Appendices as a separate listing from the other subspecies of that species. Where there are identification difficulties, either the entire species should be included in one Appendix (usually Appendix I or Appendix II), or the range of the subspecies should be circumscribed and the populations within this area listed on a country basis.

The Conference of the Parties may amend the Appendices from time to time (usually but not always at the biennial meetings of the Conference of the Parties). Amendments consist of either inclusion of a previously unlisted species or higher taxon in one or other of the Appendices; transfer of a higher taxon, a species or part of a species from one Appendix to another, sometimes accompanied by the attachment of special conditions; or removal of a higher taxon, a species or part of a species from the Appendices. Some of the existing listings are undoubtedly the most appropriate for the species concerned. Others are not, either

because the status of the species or its role in trade has changed, or because it was inappropriately listed in the first place.

In addition there may be periodic requests for renewals or changes to some of the special conditions, such as quotas. These are discussed in detail in Chapter 3.

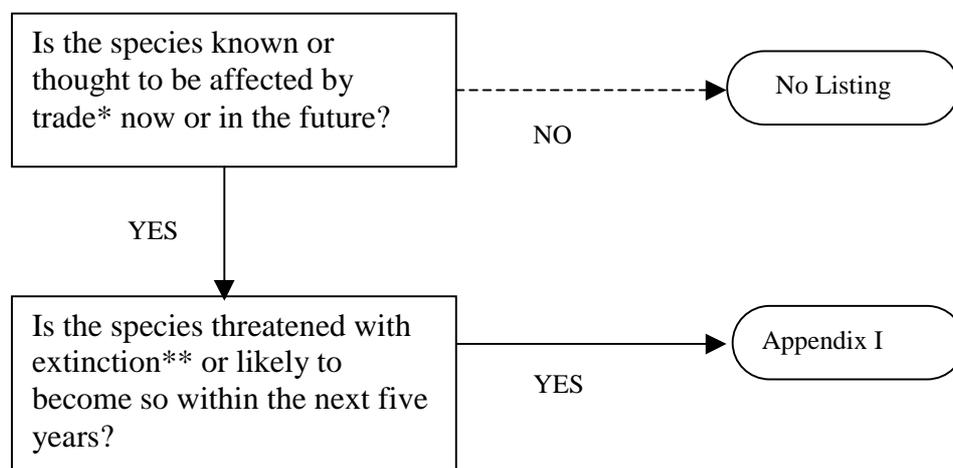
The Format of Resolution Conf. 9.24

The Resolution itself includes six annexes as well as the main body of text (see Guide Annex 6 of this booklet for the complete text of the Resolution). Annexes 1 and 2 of the Resolution set out the actual criteria for including species in Appendices I and II respectively. Annex 3 discusses the special cases of split-listing and the inclusion of higher taxa in the Appendices. Annex 4 sets out precautionary principles and measures to be adopted when transfer of species from Appendix I to Appendix II or removal of species from the Appendices is to be considered.

Annex 5 is of great importance as it defines many of the terms used in the criteria and sets out numerical guidelines for interpreting the criteria. The Resolution explicitly states that the notes in Annex 5 must be taken into account when interpreting the criteria. However, in all cases where numbers are given - for example to define a small population or a restricted distribution - it is stressed that the numbers are guidelines only, not thresholds, and that there will be many cases where they do not apply. Annex 6 sets out the format for proposals to amend the Appendices (discussed in Chapter 3).

The Resolution sets out what aspects of a species' status and biology need to be Reviewed to determine what listing in the Appendices, if any, is appropriate. However it does not specify any preference for particular types or sources or information needed to support any proposals to amend the Appendices. Nor does it provide guidance on determining how distribution, numbers, area and quality of habitat and reproductive potential can be inferred or projected. Some potentially significant terms such as "quality of habitat" remain undefined. The Parties themselves will therefore need to decide what standards of information and what levels of inference are acceptable when considering amendment proposals.

2.2 ADDING A SPECIES TO APPENDIX I



Article II of the Convention states that, "Any species threatened with extinction that is, or may be affected by trade can be considered for inclusion in Appendix I". A species therefore needs to meet two different conditions to be considered for inclusion. One relates to its status in trade, the other to its biological status, that is whether it may be regarded as a threatened species or not.

Under Resolution Conf. 9.24 a species may be included in Appendix I if it meets the trade criterion and at least one of three biological criteria related to population size, extent of distribution or declining numbers, or a fourth criterion where, owing to its status, the species would be likely to satisfy one or more of the biological criteria within 5 years. These criteria are detailed as follows:

***Trade criterion for inclusion in Appendix I:** A species "is or may be affected by trade" and, therefore, meets the trade criterion if:

- bi) *it is known to be in trade; or*
- ii) *it is probably in trade, but conclusive evidence is lacking; or*
- iii) *there is potential international demand for specimens; or*
- iv) *it would probably enter trade were it not subject to Appendix I controls.*

****Biological criteria for inclusion in Appendix I:** A species is considered **threatened with extinction** if it meets, or is likely to meet, at least one of the following criteria in Annex 1 of Resolution Conf. 9.24.

- A. *The wild **population** (the total number of individuals of the species) is small, and is characterized by at least one of the following:*
 - i) *an observed, inferred or projected **decline** in the number of individuals or the **area** and quality of habitat; or*
 - ii) *each **sub-population** being very small; or*
 - iii) *a majority of individuals, during one or more life-history phases, being concentrated in one **sub-population**; or*
 - iv) ***large** short-term **fluctuations** in the number of individuals; or*
 - v) *a high vulnerability due to the species' biology or behaviour (including migration).*
- B. *The wild **population** has a restricted **area of distribution** and is characterized by at least one of the following:*
 - i) ***fragmentation** or occurrence at very few locations; or*
 - ii) ***large fluctuations** in the **area of distribution** or the number of **sub-populations**; or*
 - iii) *a high vulnerability due to the species' biology or behaviour (including migration); or*
 - iv) *an observed, inferred or projected decrease in any one of the following:*
 - *the **area of distribution**; or*
 - *the number of **sub-populations**; or*
 - *the number of individuals; or*
 - *the area or quality of habitat; or*
 - *reproductive potential.*
- C. *A **decline** in the number of individuals in the wild, which has been either:*
 - i) *observed as ongoing or as having occurred in the past (but with a potential to resume); or*
 - ii) *inferred or projected on the basis of any one of the following:*
 - *a decrease in area or quality of habitat; or*
 - *levels or patterns of exploitation; or*

threats from extrinsic factors such as the effects of pathogens, competitors, parasites, predators, hybridization, introduced species and the effects of toxins and pollutants; or
- *decreasing reproductive potential.*

- D. *The status of the species is such that if the species is not included in Appendix I, it is likely to satisfy one or more of the above criteria within a period of five years.*

Resolution Conf. 9.24 provides guidelines in Annex 5 for interpreting several terms (including terms in bold) used in the Resolution.

Interpreting the criteria

The trade criteria are relatively straightforward and merely require that the species concerned is or may be in trade, or would be likely to be in trade were it not protected, or is thought likely to enter trade because there is potential demand for it. Article I of the Convention defines trade as export, re-export, import and introduction from the sea. Heavy local or national use of a species may be an indication of existing or potential international trade but this is not necessarily the case. Caution should therefore be used when extrapolating from local or national use to international trade in assessing whether a species meets the trade criterion.

The criteria for listing in Appendix I do not require trade to be the cause, or even one of the causes, of the species being threatened. It is sufficient that the species is considered threatened, under the terms of the biological criteria, and that it does or may appear in international trade.

At first sight the biological criteria may appear intimidating but they are in fact designed to make the listing process more logical and easier to follow. The criteria have been developed along similar lines to the IUCN criteria for listing threatened species (the Red List Categories) although the latter were recently Revised to take account of concerns about the rate of decline criterion and to incorporate recognition that some declines are reversible and others non-reversible which are discussed in detail in IUCN 2001 *IUCN Red List Categories: Version 3.1*. (Prepared by the IUCN Species Survival Commission. IUCN, Gland, Switzerland and Cambridge, UK). The three main biological criteria are based on, respectively, a small population size (Criterion A), restricted area of geographic distribution (Criterion B) and a decline in the wild population. Criteria A & B are in many ways similar to each other, although the first emphasises small population size as a measure of vulnerability to extinction, while the second emphasises limited area of distribution. If none of these three criteria is met currently but one or more is likely to be satisfied within 5 years then the fourth criterion comes into effect.

Criterion A: Small population size

For Criterion A to be met, the species must have a small wild population and satisfy any one of five separate additional conditions, four of which deal mainly with population numbers.

In interpreting Criterion A, the notes in Annex 5 suggest that a figure of less than 5000 individuals is a guideline for what constitutes a small total population, but state that there may be many cases where this guideline does not apply.

(i) Decline

The first additional condition (A.i) concerns population declines which may be directly observed, or inferred from other observations. A decrease in the area and quality of habitat occupied by the species is also regarded as meeting this requirement in that it is assumed that any decrease or deterioration in habitat will lead to a declining population. The notes stress that a population decrease as the result of a harvesting programme that reduces the population to a predetermined level is not considered a decline. Here a guideline for a relevant decline is a reduction of 20% or more of the total population within 10 years or three generations of the species concerned (for a small wild population), whichever is the longer (a generation is defined as the average age of parents in the population).

(ii) Fragmentation

The second condition (A.ii) deals with the case where a wild population is highly fragmented, consisting of a number of very small sub-populations. The species is considered at risk because each of the sub-populations is vulnerable to extinction, either through random fluctuations in population size or through decline brought about by natural causes or the activities of mankind. This condition can be fulfilled even if there is no actual evidence of population decline. The guideline for a very small sub-population is 500 individuals.

(iii) Single Sub-Population

The third condition (A.iii) is another indicator of population vulnerability, which does not need evidence of an actual decline to be fulfilled. This condition is met if over half of the population occurs in one sub-population during any part of the species' life-cycle. For example some migratory birds breed over a wide area, forming what appear to be several different sub-populations, but winter almost entirely in one area, forming a single wintering population. For the purposes of assessment the population is considered as a single sub-population.

(iv) Fluctuation

The fourth condition (A.iv) is met if the overall population is subject to large short-term fluctuations in population size. A large fluctuation is taken as greater than one order of magnitude (i.e. a factor of 10). The guideline for short-term is two years, but this may be expected to vary greatly from species to species. This condition is included because large fluctuations with a small overall population make a species intrinsically vulnerable to extinction.

(v) Biology/Behaviour

The fifth condition (A.v) relates to the biology or behaviour of the species, rather than to any population conditions. Species may have specific biological attributes that make them particularly vulnerable to extinction. Chiefly these concern their reproductive biology or behaviour. In particular, species which require a long period to reach maturity and/or which produce small numbers of offspring are clearly more vulnerable than species which mature rapidly and/or produce large numbers of offspring. Similarly species which are highly sensitive to disturbance while breeding or which require specific conditions to reproduce successfully should be considered vulnerable. Species whose behaviour or biology make them particularly easy to harvest may also be considered vulnerable, for example plants which grow in accessible areas or animals which congregate predictably at particular sites.

Criterion B: Restricted area of distribution

The second biological criterion concerns the area of distribution of a species, rather than the population size. Species may meet this criterion even if they are numerically very abundant as long as they occur within a restricted area. The guideline for a restricted area is 10,000 square kilometres. Although the accompanying notes suggest that there are many cases where this guideline may not apply, it is difficult to justify classifying as threatened a species whose range extends for more than 10,000 square kilometres unless its population is small, when it will meet criterion A, or is rapidly declining, when it will meet criterion C.

To qualify for inclusion species must meet this criterion and at least one of four other conditions which are very similar to the conditions set out under criterion A although different in the details of their wording. The first (B.i) concerns fragmentation of the wild population and is essentially the same as condition A.ii. The second (B.ii) concerns fluctuations in number or area of distribution. This is similar to condition A.iv, although in this case the magnitude of the fluctuations is stressed without reference to the time scale on which they occur. In this instance a change greater than one order of magnitude, that is a factor of ten, is usually necessary to qualify. The third condition (B.iii) relates to the species' vulnerability owing to its biology or behaviour and is thus very similar to condition A.v. The fourth condition (B.iv) refers to observed, inferred or projected decreases in population, reproductive potential or habitat condition or area. It is similar to condition A.i, although the latter does not include any reference to reproductive potential.

Criterion C: Decline of wild population

The third criterion is by far the most powerful. The criterion itself simply states that the number of individuals in the wild (the wild population) must be known or inferred to be declining, or to have declined with the potential for the decline to resume, or to be projected to decline. No reference to any upper limit on the size of the population to be considered is made, unlike the first two criteria which explicitly refer, respectively, to small wild populations and restricted area of distribution. This means that theoretically very abundant and widespread species may meet this criterion.

The term "decline" is elaborated on in the definitions, notes and guidelines given in Annex 5. The notes state that a natural fluctuation in numbers of a species should not normally be considered as a decline. However, it goes on to state that a decline should not be considered part of a natural fluctuation unless there is evidence for this. The burden of proof therefore lies with those who may wish to demonstrate that a decrease in numbers is part of a natural fluctuation.

It should be noted that several of the possible causes for a decline outlined in Criterion C may be natural. A species does not therefore have to be threatened by man's activities to qualify.

The only guidance as to the **size of the decline** to be considered is given in the notes, which state "*For some species in trade where data exist to make an estimate, a decrease of 50% or more in total within 5 years or two generations, whichever is the longer, has been found to be an appropriate guideline (not a threshold) of what constitutes a decline.*"

Guidance as to the size of the decline to be considered for a **small population** is also provided, and states "*A guideline (not a threshold) of what constitutes a decline in a small wild population could be 20% or more in total within ten years or three generations, whichever is the longer.*"

However, the notes then add that these figures are presented only as examples and that there are many cases where these numerical guidelines do not apply. The notes do not elaborate under what circumstances these guidelines should not be taken as applying. Strictly speaking, therefore almost any decline in any wild population could be argued as fulfilling Criterion C. In spirit, however, the intention clearly is that the guidelines should be followed as closely as possible, and thus that the decline should be marked unless the species has a small wild population or limited range (in which case it would probably meet Criterion A or B, outlined above).

Criterion D: Meeting criteria within 5 years

The fourth criterion is met if the species does not currently meet any of the three biological criteria, but there is sufficient reason to believe it is likely to do so within the next five years.

Other considerations

The Parties should consider carefully each proposal to ensure that listing of species on Appendix I is in the best interest of the conservation of the species, as well as ensuring that the Appendix does not become too unwieldy to apply effectively. This may require consideration of other factors in addition to assessment of whether the species satisfies the trade and biological criteria outlined above. In particular, the practicality of enforcing the listing must be taken into account. For example, it is widely recognized that listing some species of orchids and cacti in Appendix I may actually stimulate trade in these species, and that such listing may therefore be counterproductive unless it is very effectively enforced. This issue was addressed by the Eleventh Meeting of the Conference of the Parties (see Box 2).

Decisions to amend Appendix I

If after assessment it is decided that a species not listed in Appendix I meets the criteria for inclusion in the Appendix then these other factors should be considered. If it is decided when these are taken into account that listing in Appendix I will be in the best interests of the species, a proposal for amending the Appendices should be prepared by a Party to the Convention. The procedure for submitting a proposal with its supporting statement (along with guidance for handling species proposals at the meeting of the Conference of the Parties) is described in Chapter 3.

Conversely, if after assessment it is decided that a species currently listed in Appendix I does not meet the criteria for inclusion in that Appendix, then consideration should be given to preparing a proposal for removing the species from Appendix I. Again other factors will have to be considered, in particular the precautionary measures outlined in Annex 4 of Resolution Conf. 9.24. This is discussed in further detail in Section 2.7 below.

BOX 2 TRANSFERRING A PLANT SPECIES FROM A HIGHER TAXON LISTING IN APPENDIX II TO A SEPARATE LISTING IN APPENDIX I

Under **Resolution Conf. 11.11** Parties contemplating the transfer of an individual plant species from a higher-taxon listing in Appendix II to a separate listing in Appendix I should consider the following:

- whether the increased protection made possible by a transfer to Appendix I would compensate for the increased risk brought on by attracting the attention of the species to traders;
- the ease with which the species can be propagated artificially;
- the extent to which the species is currently available in cultivation from artificially propagated specimens; and
- any practical problems in identifying that species, particularly in the form in which it may be traded.

2.3 ADDING SPECIES TO APPENDIX II

A species may not meet the criteria for inclusion in Appendix I, but may still merit inclusion in Appendix II (or Appendix III, discussed in Section 2.4 below). Article II of the Convention allows for the inclusion of species in Appendix II for two different reasons. Firstly, if the species under consideration may become threatened with extinction unless trade is regulated. Secondly, if including the species in Appendix II will allow improvement in the control of trade of other, threatened or potentially threatened species listed in Appendix I or II i.e. so-called “look-alike” species. Resolution Conf. 9.24 deals with these two cases separately, The first is elaborated in Annex 2a, the second in Annex 2b.

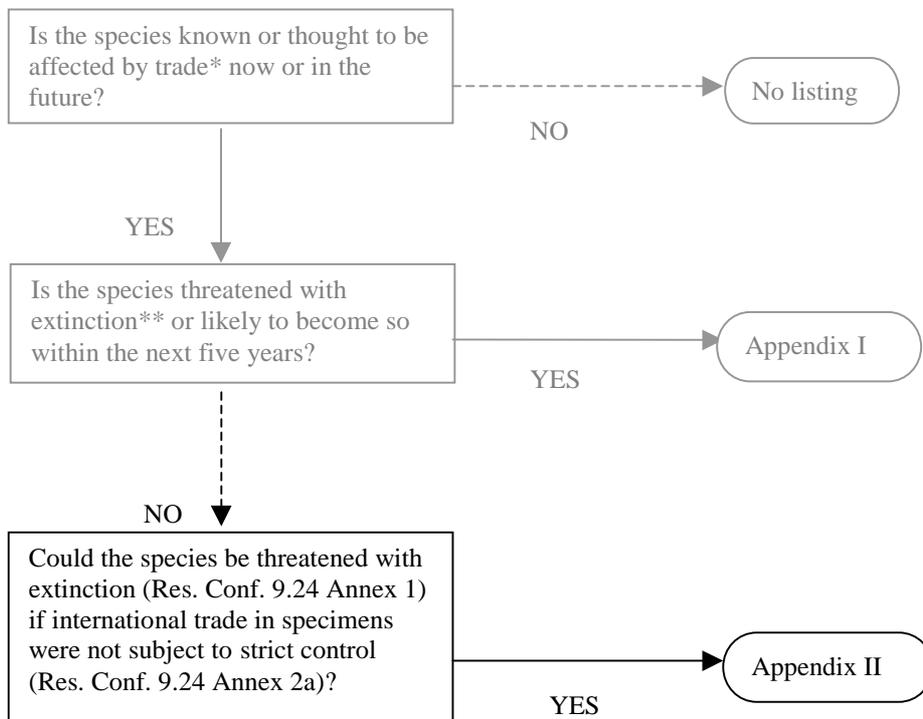
Inclusion in Appendix II of species which may become threatened

Under **Annex 2a**, a species should be included in Appendix II when either of the following criteria is met:

- A) *it is known, inferred or projected that unless trade in the species is subject to strict regulation, it will meet at least one of the biological criteria for inclusion in Appendix I in the near future; or*
- B) *it is known, inferred or projected that harvesting of specimens from the wild for international trade has, or may have, a detrimental impact on the species by either:*
 - i) exceeding, over an **extended period**, the level that can be continued in perpetuity; or*
 - ii) reducing it to a population level at which its survival would be threatened by other influences.*

Article II of the Convention does not require a species to be currently threatened with extinction for inclusion in Appendix II; rather, there need be only some indication that it might become so. Under the original Berne Criteria, such an indication could have been a decreasing or very limited population or geographic range. Under the criteria, this has been expanded to include the knowledge or belief that any of the biological criteria for the inclusion of the species in Appendix I might be met in the near future. The term "near future" is not defined in the guidelines to Resolution Conf. 9.24 but must be a period greater than five years as a species expected to satisfy the biological criteria for inclusion in Appendix I (i.e. Resolution Conf. 9.24 Annex I Criteria A-C above) should be included in Appendix I.

Under the criteria, inclusion in Appendix II is dependant on either an inference or a statement that trade must be having a detrimental impact or is projected to have such an impact on wild populations. This contrasts markedly with the criteria for listing in Appendix I, where it is only necessary for the species to be in trade or potentially in trade, not for that trade to be known or suspected to be having a detrimental impact on wild populations.



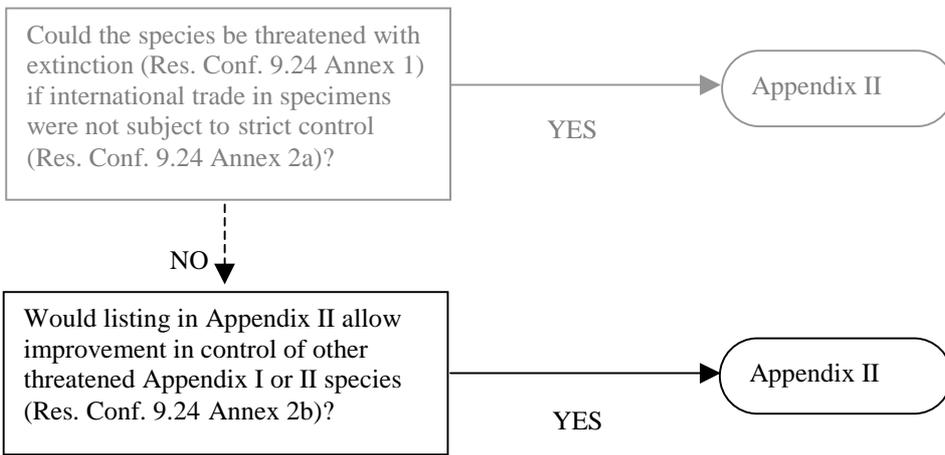
Inclusion in Appendix II of species to improve control of other species listed in the Appendices (Annex 2b)

Under **Annex 2b**, species should be included in Appendix II if they satisfy one of the following criteria:

- A) *the specimens resemble those of a species included in Appendix II under the provisions of Article II, paragraph 2(a) [of the Convention], or in Appendix I, such that a non-expert, with reasonable effort, is unlikely to be able to distinguish between them; or*
- B) *the species is a member of a taxon of which most of the species are already included in Appendix II under the provisions of Article II, paragraph 2(a) [of the Convention], or in Appendix I, and the remaining species must be included to bring trade in specimens of the others under effective control.*

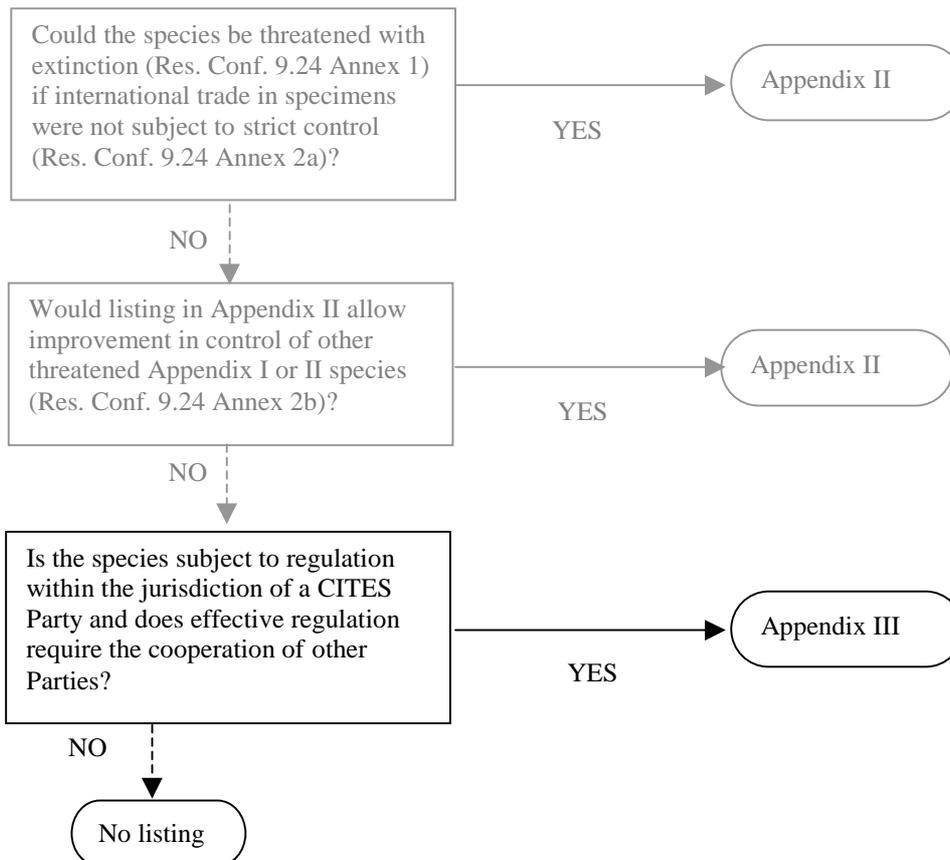
These criteria try to ensure that species similar in appearance to ones already included in Appendix I or II (so-called look-alike species) are included in Appendix II, to reduce the likelihood that specimens of listed species are not mistakenly or wilfully traded as non-CITES specimens.

If after assessment it is decided that an unlisted species or one listed in Appendix III merits inclusion in Appendix II then a listing proposal should be prepared by a Party to the Convention following the procedures outlined in Chapter 3.



2.4 ADDING SPECIES TO APPENDIX III

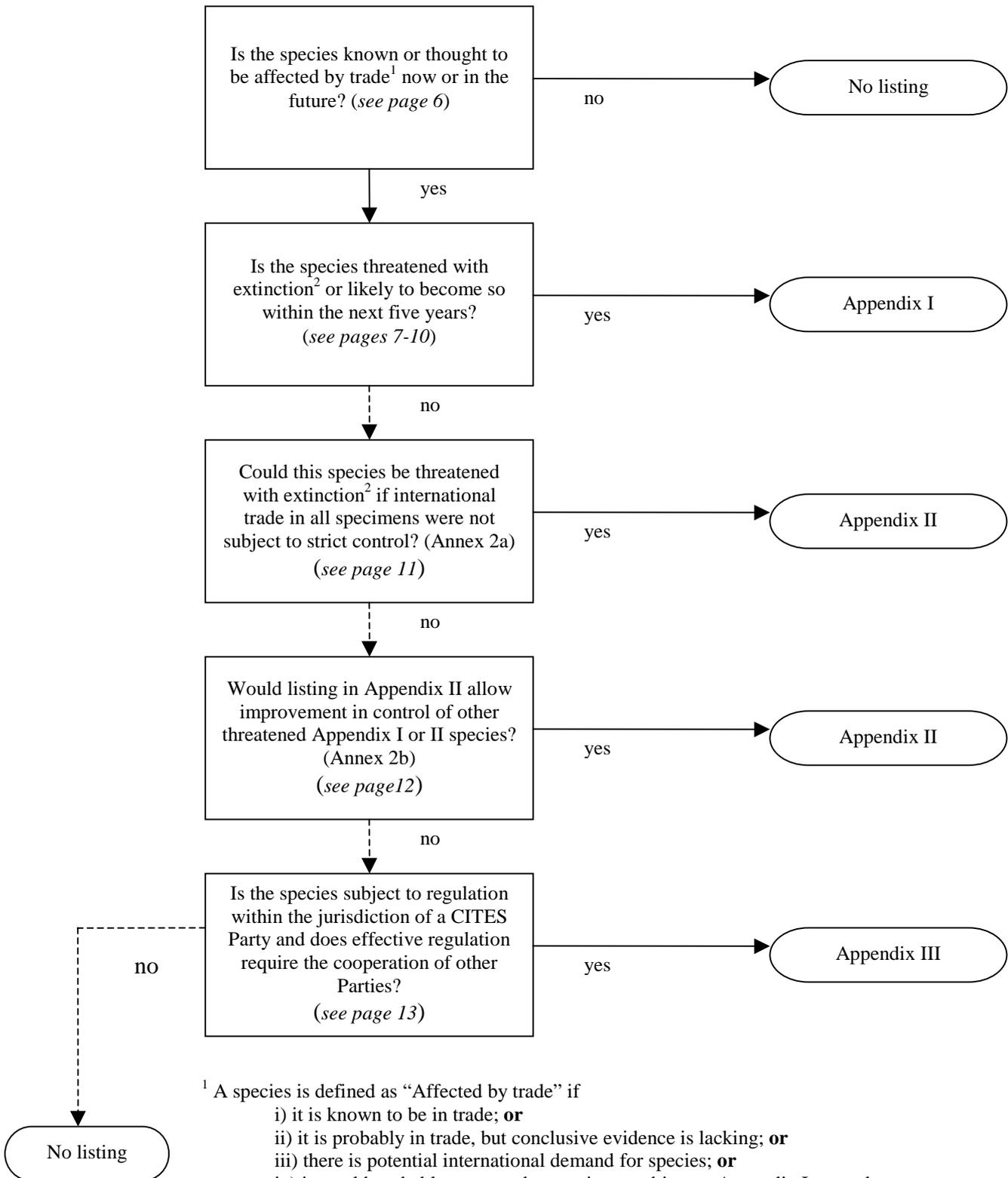
Appendix III of the Convention is intended to provide international assistance to individual Parties in regulating the international trade in their own native species (see Article II paragraph (b) of the Convention). However, the Parties have recognised that implementation of Appendix III is often unsatisfactory and have adopted Resolution Conf. 9.25 (Rev.) to clarify and consolidate the guidelines for inclusion of species in Appendix III. Whilst the emphasis of the guidelines is on the legal status of the species, provision is also made for consultation to ensure that the biological and trade status of the species justify its inclusion in Appendix III.



The Parties have recommended that, when considering the inclusion of a species in Appendix III, a Party:

- a) *ensure that:*
 - i) *the species is native to its country;*
 - ii) *its national regulations are adequate to prevent or restrict exploitation and to control trade, for the conservation of the species, and include penalties for illegal taking, trade or possession and provisions for confiscation; and*
 - iii) *its national enforcement measures are adequate to implement these regulations;*
- b) *determine that, notwithstanding these regulations and measures, there are indications that the co-operation of the Parties is needed to control illegal trade.*
- c) *inform the Management Authorities of other range States, the known major importing countries, the Secretariat and the Animals Committee or the Plants Committee that it is considering the inclusion of the species in Appendix III and seek their opinion on the potential effects of such inclusion; and*
- d) *after due consultation, and having satisfied itself that the biological status and trade status of the species justify the action, submit to the Secretariat the name of the species it wishes to include in Appendix III.*

2.5 DECISION TREE DIAGRAM – INCLUSION OF A PREVIOUSLY UNLISTED SPECIES OR HIGHER TAXON IN ONE OR OTHER OF THE APPENDICES



¹ A species is defined as “Affected by trade” if

- i) it is known to be in trade; **or**
- ii) it is probably in trade, but conclusive evidence is lacking; **or**
- iii) there is potential international demand for species; **or**
- iv) it would probably enter trade were it not subject to Appendix I controls

² A species is considered “Threatened with extinction” if it meets or is likely to meet, at least one of the following criteria (which should be characterized by at least one of the sub-criteria in Annex I of Resolution Conf. 9.24)

- A) The wild population is small
- B) The wild population has restricted distribution
- C) An observed or inferred decline in the number of individuals
- D) If the species does not satisfy one of the criteria now, it will be likely to in the next five years

2.6 TRANSFER OF SPECIES FROM APPENDIX I

To qualify for inclusion in Appendix I, a species must satisfy two independent sets of criteria as set out in Resolution Conf. 9.24, and discussed in some detail above. One set relates to trade, the other to its biological status. If a species fails to meet **either one** of these then, by definition it does not qualify for inclusion in Appendix I. If such a species is already listed in Appendix I then consideration should be given to removing the species from the Appendix. However, under the precautionary measures set out in Annex 4 of the Resolution, no species listed in Appendix I can be removed from the Appendices unless it has been first transferred to Appendix II. There must also be monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties. Removal of species from Appendix I is therefore effectively always transfer from Appendix I to Appendix II.

In addition to the species not meeting the criteria for inclusion in Appendix I, any one of the following additional criteria in Annex 4 Resolution Conf. 9.24 must also be satisfied:

- B2a. *the species is not in demand for international trade, nor is its transfer to Appendix II likely to stimulate trade in, or cause enforcement problems for, any other species included in Appendix I; or*
- b. *the species is likely to be in demand for trade, but its management is such that the Conference of the Parties is satisfied with:*
 - i) *implementation by the range States of the requirements of the Convention, in particular Article IV; and*
 - ii) *appropriate enforcement controls and compliance with the requirements of the Convention; or*
- c. *an integral part of the amendment proposal is an export quota approved by the Conference of the Parties, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; (see Chapter 3 for details of procedure) or*
- d. *an integral part of the amendment proposal is an export quota approved by the Conference of the Parties for a specified period of time, based on management measures described in the supporting statement of the amendment proposal, provided that effective enforcement controls are in place; (see Chapter 3 for details of procedure) or*
- e. *a ranching proposal is submitted consistent with the applicable Resolutions of the Conference of the Parties and is approved.*

In addition, the following stipulations apply:

- B3) *No proposal for transfer of a species from Appendix I to Appendix II with an export quota shall be considered from a Party that has entered a reservation for the species in question, unless that Party agrees to remove the reservation within 90 days of the adoption of the amendment.*
- E) *Species regarded as possibly extinct should not be deleted from Appendix I if they may be affected by trade in the event of their rediscovery; these species should be annotated in the Appendices as "p.e." (i.e., possibly extinct).*

Species not in trade - Condition B.2.a

Because a species does not qualify for inclusion in Appendix I unless it satisfies both trade and biological criteria, it is theoretically possible to transfer a species which meets the biological criteria for inclusion in Appendix I (i.e. would be considered a threatened species) as long as it does not appear in international trade, nor is likely to in the future. Such a species would automatically meet Condition B.2.a of Annex 4 of

Resolution Conf. 9.24. In addition, its down listing must not compromise controls of other species listed in Appendix I.

Under this condition it will normally result in a transfer of the species from Appendix I to Appendix II. The Convention then requires monitoring of the species for two intervals between meetings of the Conference of the Parties, after which it may be eligible for removal from Appendix II.

Non-threatened species - Condition B.2.b

Under Condition B.2.b it is only possible to transfer species which do not meet the biological criteria for inclusion in Appendix I, that is cannot be considered threatened with extinction or likely to become so within five years. Condition B.2.b. stresses the need for Parties to be satisfied that management is such that trade in the species will meet the requirements of Article IV of the Convention (i.e. will be sustainable). Article IV deals with regulation of trade in specimens of species included in Appendix II. Most of the provisions of Article IV concern issuing of export permits and re-export certificates. Paragraph 3, however, addresses the need for what is known as a non-detriment finding. It instructs Scientific Authorities to monitor export of any species listed in Appendix II to ensure if necessary that such export is limited in order to "*maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I*".

Under Condition B.2.b Parties will expect to be satisfied that such monitoring and control is in place **before** approving transfer of the species from Appendix I to Appendix II. In practice this is most likely to mean that export quotas will have to be set and approved, in which case the transfer will take place according to conditions B.2.c or B.2.d.

Transfer to Appendix II subject to export quotas - Conditions B.2.c and B.2.d

Export quotas are by definition only relevant for species which are or are expected to be in international trade. They are unlikely to be necessary for species where international trade involves only a few specimens annually. As with condition B.2.b, therefore, they must be species which do not meet the biological criteria for inclusion in Appendix I, that is are not considered threatened with extinction.

Normally, proposals for transfer with quotas are submitted by Parties wishing to resume export of species listed on Appendix I which occur within their territory. The transfer usually only applies to populations of the species within those countries. If the species only occurs within those countries then the transfer will obviously apply to the species throughout its range, otherwise the proposal, if accepted, results in a split listing, with some populations still in Appendix I and others in Appendix II subject to quotas. Logically, however, a species which is considered not threatened in part of its range should be considered not threatened overall. This being the case, and taking into account the recommendation that split listings be avoided wherever possible, transfer proposals should normally cover species throughout their range.

Conditions B.2.c and B.2.d are very similar. The only difference is that condition B.2.d refers to a quota for a given period of time, while condition B.2.c makes no reference to a time frame. Quotas established in accordance with condition B.2.c are effectively established in perpetuity. Such a quota is for the same number year after year, or is for a series of different numbers for a few years, finishing with a number considered to be sustainable thereafter.

Until the ninth Conference of the Parties, the criteria and procedures for establishing export quotas were set out in Resolution Conf. 7.14. This Resolution has now been repealed and has yet to be replaced. Resolution Conf. 9.24 does not give detailed guidelines for Parties to judge proposals for export quotas. Procedures for ensuring that quotas and attendant management practices are adhered to are set out in paragraphs C and D of Annex 4 of Resolution Conf. 9.24. These are discussed further in Section 3.2.

Transfer to Appendix II subject to ranching - Condition B.2.e

Under CITES, ranching is defined in Resolution Conf. 11.16, as "the rearing in a controlled environment of specimens taken from the wild". Ranching has been applied to a number of different species and usually entails collection of eggs or young from the wild and rearing individuals until they are large enough to be traded. Ranching is most appropriate for species that suffer significant early mortality in the wild and for those where the product to be traded may be of higher and/or more uniform quality if rearing is carried out in

controlled conditions. Ranching is considered likely to have greater conservation benefit than captive-breeding because it provides an incentive to maintain wild populations and their habitats, as they provide the source for the specimens to be ranched and traded. To date all successful proposals for transfer from Appendix I to Appendix II for ranching under CITES have concerned crocodilians.

Although not explicitly stated, ranching proposals are only relevant for “species” which are or are expected to be in international trade. These too, therefore, must be species which do not meet the biological criteria for inclusion in Appendix I and can thus be considered for transfer to Appendix II.

Ranching proposals were dealt with in a series of resolutions, (Resolutions Conf. 3.15, 5.16 (Rev.), 6.22 (Rev.), 8.22 (Rev.) and 9.20 (Rev.)) which were consolidated into Resolution Conf. 10.18. This has now been repealed and replaced by Resolution Conf. 11.16. To transfer a country's population or a smaller geographically separate population of an Appendix I species to Appendix II to conduct a ranching operation, the following general criteria, set out in Resolution Conf. 11.16 must be satisfied:

bi) the programme must be primarily beneficial to the conservation of the local population (i.e. where applicable, contribute to its increase in the wild or promote protection of the species habitat while maintaining a stable population);

ii) all products (including live specimens) of each operation must be adequately identified and documented to ensure that they can be readily distinguished from products of Appendix I populations;

iii) the programme must have in place appropriate inventories, harvest-level controls and mechanisms to monitor the wild populations; and

iv) there must be sufficient safeguards established in the programme to ensure that adequate numbers of animals are returned to the wild if necessary and where appropriate.

In addition, any Party submitting a ranching proposal must include the usual biological data requested for proposals to amend the Appendices along with the following;

ci) details of its marking system that should meet the minimum requirements of the uniform marking system defined in this Resolution;

ii) a list specifying the types of products produced by the operation;

iii) a description of the methods that will be used to mark all products and containers entered into trade; and

iv) an inventory of current stocks of specimens of the species concerned, whether or not they are from the ranching operation;

d) any proposal for the transfer to Appendix II of a Party's population or a smaller geographically separate population of a species, for the purpose of ranching, not be approved by the conference unless it contains the following;

- i) evidence that the taking from the wild will have no significant detrimental impact on wild populations;*
- ii) an assessment of the likelihood of the biological and economic success of each ranching operation;*
- iii) assurance that the operation shall be carried out at all stages in a humane (non-cruel) manner;*
- iv) documented evidence to demonstrate that the programme is beneficial to the wild population through reintroduction or in other ways; and*
- v) assurance that the criteria specified in paragraph b) above under 'RECOMMENDS' shall continue to be met.*

Although the ranching resolutions provide some flexibility in terms of the types and levels of harvest allowed, Resolution Conf. 10.18 emphasised the importance of discouraging cropping from the wild of adult crocodylians for ranching programmes. However, this part of the resolution has since become more generalised to cover ranching of any species and Resolution Conf. 11.16 now reads:

f) proposals that include a component of a wild-adult harvest be examined much more stringently than those based purely on collection of eggs, neonates, larvae or other juvenile life stages;

g) Parties achieving or having achieved the transfer of their populations of a species to Appendix II under the provisions of this Resolution limit the manner of exploitation of wild populations to those techniques described in their proposals and not, for example, later initiate new, short-term programmes for taking wild animals without notifying the Secretariat;

h) any Party with an approved ranching proposal submit any changes to the information supplied in paragraph c) above under 'RECOMMENDS' to the Secretariat. The Secretariat, in consultation with the Animals Committee, should determine whether the changes proposed substantially alter the original ranching programme and undermine or jeopardize the conservation of the wild population. The Secretariat should advise the Party of its determination accordingly; and

i) in cases where the Secretariat, in consultation with the Animals Committee, concludes that changes to the ranching programme that are proposed in accordance with paragraph h) would result in substantial changes to management of the species, the proposed management be treated as a new proposal, requiring the submission of a proposal pursuant to this Resolution and to the requirements of Article XV of the Convention;

The procedural requirements for submitting ranching proposals are discussed in detail in Section 3.1. Such proposals, once accepted, are subject to monitoring and Review, procedures for which are set out in Section 3.2.

Transfer of Marine turtles to Appendix II subject to ranching

Several countries have expressed interest in the establishment of ranching operations for marine turtles, all species of which are currently included in Appendix I of CITES. To assist the Conference of the Parties in the assessment of any forthcoming proposals, Resolution Conf. 9.20 (Rev.) was adopted at the ninth Conference of the Parties. This Resolution recommends that any Party seeking to transfer a marine turtle population from Appendix I to Appendix II for ranching provide detailed information on resource management, trade controls and the ranching operation, according to the guidelines contained in the Annex of the Resolution.

A major aim of Resolution Conf. 9.20 (Rev.) was to enable the ranching operation to be evaluated in the context of regional marine turtle management/conservation agreements. The Resolution notes that owing to the migratory behaviour of marine turtles, a segment of the population occurring within the jurisdiction of any one range State cannot be considered in isolation. Thus it makes provision for regional management which should entail co-operative mechanisms for assessing and monitoring the conservation status of the population throughout its range and for ensuring effective protection of important habitat and adequate controls on harvest levels.

Proposals for the transfer of marine turtle populations to enable trade in products from ranching must meet the following criteria/guidelines summarised from the Annex to Resolution Conf. 9.20 (Rev.):

Resource Management

The proposal should provide information on the biology, management and geographic extent of each population that will be affected throughout its range. Geographic extent should be described using sound scientific technique. A prerequisite for approval of a ranching proposal is the effective implementation of a national management plan for marine turtles. Any management of the population must involve the range States sharing the majority of the population. A Party submitting a ranching proposal shall take the lead in the development and effective implementation of a regional management protocol designed to enhance the conservation of the population.

Trade Controls

Proponents must take every reasonable measure to ensure that the trade in products from approved ranches does not stimulate an increase in trade from other sources in a manner detrimental to the survival of the population, or other populations or other species of marine turtle, or serve as a cause for such trade. Therefore, the proponent Party should ensure that both it and any country to which the products of the ranching operation are destined have adequate legal frameworks and administrative measures for monitoring and reporting, and adequate local and national enforcement capabilities before international trade is authorized.

The Ranching Operation

To satisfy recommendation d) ii) of Resolution Conf. 11.16, the proponent should provide information on the financial operation, physical plant, operating procedures (including stock collection, stocking rates, production schedules, feeding, health care, record-keeping, and benefits to local people).

Benefits to the Population

Proponents should summarize the legal and enforcement mechanisms that will prevent detrimental impact of the renewal of legal trade. The proponents should also summarize the benefits resulting or expected to result from the management actions implemented for the population to be harvested for ranches (including regional management protocols).

Reporting

Proponents that achieve a transfer of their national population of marine turtles from Appendix I to Appendix II subject to this Resolution should include in their annual reports updated information on population status and trends; any change in nesting habitat; any change in enforcement effort; and amendments to co-operative agreements to preserve and manage the marine turtle resource.

The same overall criteria for transferring species from Appendix I to Appendix II still apply in this case: the species must no longer meet the biological criteria for inclusion in Appendix I.

Guidance on the procedure for submission of marine turtle ranching proposals is given under Section 3.1. As with other ranching proposals, these will be subject to review if accepted. Procedures for review are set out in Section 3.2.

Special Conditions for transfer of African Elephant populations to Appendix II

In approving the transfer of the African elephant (*Loxodonta africana*) from Appendix II to Appendix I in 1989, the Parties recognized that populations of the species from certain range States might not have met the Berne Criteria (Resolution Conf. 1.1) for transfer to Appendix I. The Parties approved a special mechanism, a review by a Panel of Experts, to serve as the basis for approving the transfer of certain populations of the species from Appendix I to Appendix II. Resolution Conf. 10.9 establishes the Terms of Reference for the Panel of Experts on the African Elephant and criteria for the transfer of certain African elephant populations from Appendix I to Appendix II. The Resolution specifies that the Panel of Experts should review populations of African elephant proposed for transfer to Appendix II, in light of scientific evidence regarding their numbers and trends; the practices of conservation and management of these populations and threats to their status; and the adequacy of controls of trade in ivory and other parts and derivatives.

In evaluating the status and management of a population of African elephants proposed for transfer to Appendix II, the Panel of Experts must consider the viability and sustainability of the population, and potential risks; the demonstrated ability of the range State in question to monitor the population; and the effectiveness of current anti-poaching measures.

In evaluating the ability of the range State to control trade in ivory, the Panel of Experts must consider whether total levels of off take from both legal and illegal killing are sustainable; whether control of ivory stocks is adequate to prevent the mixing of legal and illegal ivory; whether law enforcement is effective; and

whether enforcement and controls are sufficient to ensure that no significant amounts of ivory taken or traded illegally from other countries are traded within or through the territory of the affected range State.

In deciding on the transfer of an African elephant population to Appendix II, the Parties should consider the report of the Panel of Experts and, in particular, the status of the elephant population in the affected range State; the affected range State's ability to manage and conserve its population effectively; and the affected range State's ability to control trade in African elephant ivory. In conjunction with the decision to transfer some populations of African Elephants from Appendix I to Appendix II for a limited trade in ivory, the Parties adopted Resolution Conf. 10.10 (Rev.) which includes recommendations on the marking and control of ivory, Monitoring of illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS).

2.7 REMOVING SPECIES FROM APPENDIX II

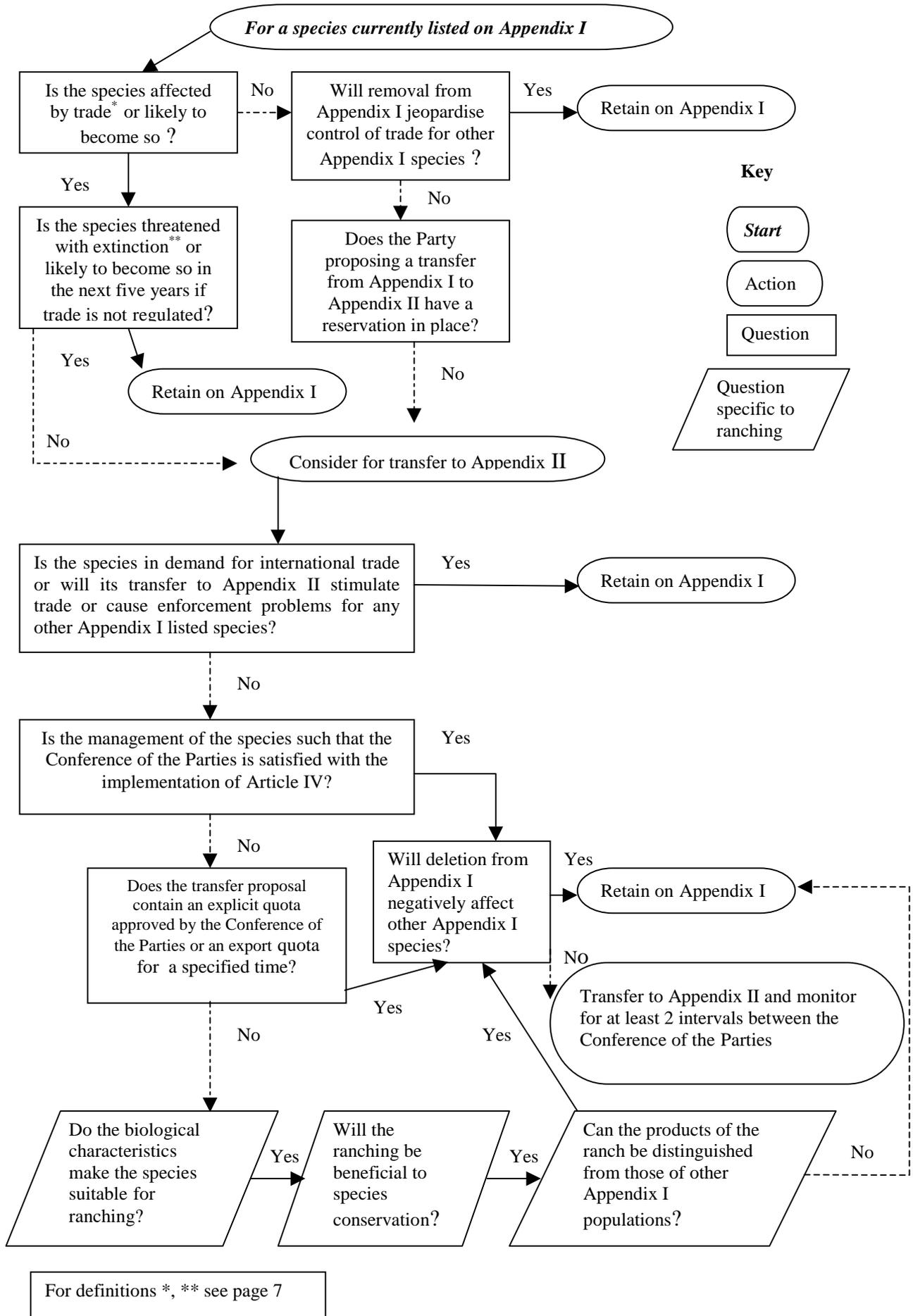
If a species does not meet the criteria for inclusion in Appendix II, then consideration should be given to removing it from the Appendices. Under Resolution Conf. 9.24 this should only be done if the relevant precautionary measure listed in Annex 4 of the Resolution is met. This means that to remove a species from Appendix II, there must be sufficient proof that the species will not meet any of the criteria for inclusion in any of Appendices I, II or III, in the near future. Specifically, it is not possible to remove from Appendix II a species to which any of the following apply: (see Section 2.3 for the criteria listed under Annex 2a and 2b of Resolution Conf. 9.24)

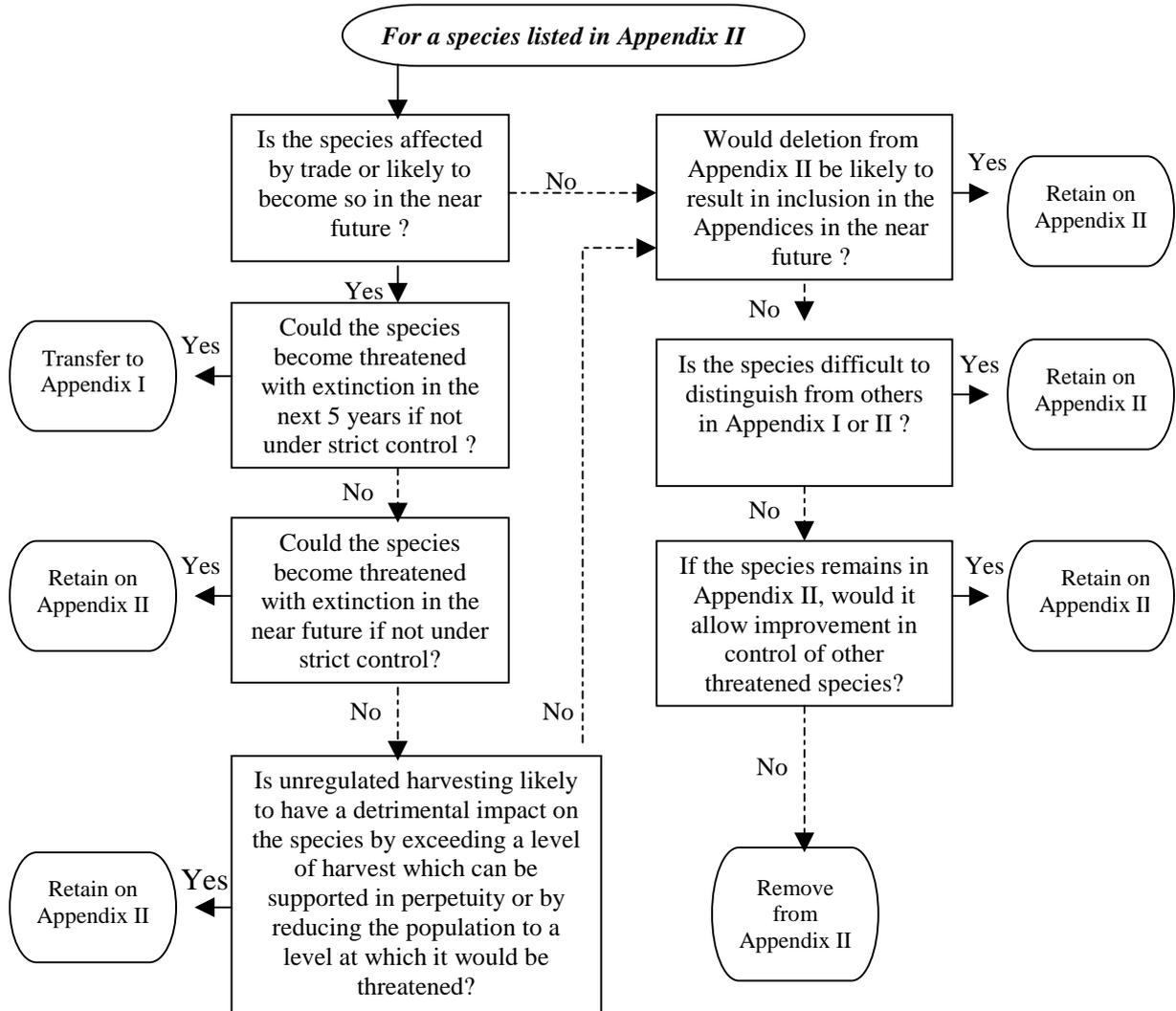
- i) the wild population is small or restricted in distribution (plus at least one of the associated subcriteria), or for which a decline has been noted, or for which the population is predicted to decline within five years; **or**
- ii) harvesting is known or inferred to be unsustainable, or its population level is reduced to the point at which its survival would be threatened by other influences; **or**
- iii) it is difficult to distinguish from others in Appendices I and II; **or**
- iv) most of the species in a taxon are already included in Appendix II for look-alike reasons (see Annex 2b. criteria A and B) and for which trade in the remaining species must be controlled.

2.8 REMOVING SPECIES FROM APPENDIX III

No specific conditions or criteria have been set out, either in Resolution Conf. 9.24 or in Resolution Conf. 9.25 (Rev.) (which deals with Appendix III) for the removal of species from Appendix III. Indeed, the inference of Resolution Conf. 9.25 (Rev.) is that Parties should be encouraged to review their listings of species in Appendix III and remove those which do not meet the criteria for inclusion in the Appendix set out in Resolution Conf. 9.25 (Rev.) and quoted in Section 2.4 above.

2.9A Decision tree diagram –transfer from one appendix to another of a species or higher taxon





3. PROCEDURES FOR AMENDING THE APPENDICES AND FOR REVIEW

This Chapter sets out the different procedures that Parties must follow to amend the Appendices, or to take a reservation on any adopted amendment. Section 3.1 describes procedures and deadlines for submitting proposals for amendments to Appendices I and II to the Conference of the Parties along with guidance for participation during the Conference. Section 3.2 deals with review procedures for transfers from Appendix I to Appendix II based on quotas or ranching. Section 3.3 discusses quotas for species included in Appendix I. The procedures for proposals to list species in Appendix III are dealt with in Section 3.4. Finally, Section 3.5 sets out the procedures for entering reservations with respect to species listed in the Appendices.

3.1 PROCEDURES FOR AMENDING APPENDICES I AND II

Appendices I and II are amended by the Parties according to procedures established in Article XV of the Convention. Amendments may be proposed for consideration either at a meeting of the Conference of the Parties or in the interval between meetings.

In both cases the following provisions apply:

- 2b) *For marine species, the Secretariat, upon receiving the text of the proposed amendment, must immediately communicate it to the Parties. It must also consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring coordination with any conservation measures enforced by such bodies. The Secretariat must communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.*
- c) *For species other than marine species, the Secretariat, upon receiving the text of the proposed amendment, must immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.*

The term "the text of the proposed amendment" (in Article XV, paragraph 1(a)), is in all cases taken to include the substantially complete supporting statement accompanying it (see Decision 11.11 of the Conference of the Parties directed to the Parties). The required format for this supporting statement to the proposal is laid out in Annex 6 of Resolution Conf. 9.24 and is self-explanatory.

Time table for submission of proposals to amend the Appendices

TYPE OF SUBMISSION TO THE SECRETARIAT:	SUBMISSION REQUIRED:		IN ACCORDANCE WITH:
	at least n. days prior to the CoP	Current deadline	
Proposal to Amend Appendix I or II in consultation with the range State	150	6 June 2002	Article XV para. 1 and based on Res. Conf. 9.24
Proposal to Amend Appendix I or II in accordance with the provision on ranching	330	8 December 2001	Res. Conf. 11.16
Proposal to amend Appendix I or II that concerns a species, or populations thereof, which occur outside the territory of jurisdiction of the proponent country, where the proponent does not intend to consult the range State	330	8 December 2001	Res. Conf. 8.21
Draft Resolutions and other Documents	150	6 June 2002	Res. Conf. 4.6 (Rev.)

'n.' - Number of days

'CoP' - The meeting of the Conference of the Parties to CITES

'Res. Conf.' - Resolution of the Conference

Under the provisions of Article XV (1) of the Convention, any Party may propose an amendment to Appendix I or II for consideration at the next meeting of the Conference of the Parties. The text of the

proposed amendment must be transmitted to the Secretariat at least 150 days before the meeting. If no range State consultation is undertaken by the proponent then the proposal must be submitted 330 days before the meeting of the Conference of the Parties. Either document can be amended after these deadlines prior to the Conference.

The Secretariat must consult the other Parties and, for marine species, other interested bodies on the amendment and communicate the response to all Parties no later than 30 days before the meeting.

Amendments to be considered at the Meeting of the Conference of the Parties

Committee I

At the Conference of the Parties, proposals are considered in Committee I. Meetings of Committee I and II provide a forum for informed discussion and debate of the specific issues within their remit. Committee I is responsible for presenting recommendations regarding species proposals and other issues of a biological nature.

A proposal may be withdrawn or amended by the proponent Party at any time i.e. before the meeting of the Conference of the Parties and during discussion at the Conference. Any other Party wishing to propose an amendment must put the amendment to a vote when the proposal is introduced to the Conference of the Parties. A decision to withdraw or amend a proposal is a final one and the proposal may not be re-submitted or re-amended.

An amendment will only be considered if it acts to clarify or “reduce the scope of effect” of the proposal. For instance; the amendment may seek to reduce the number of subspecies or populations due for transfer from one Appendix to another. For example at the eleventh meeting of the Conference of the Parties, Switzerland initially proposed a transfer of two subspecies of the succulent plant *Dudleya stolonifera* from Appendix I to II. However this proposal was amended to transfer just one subspecies and was then accepted as amended.

Another common amendment is the addition of special conditions to a transfer proposal such as a ranching condition or a quota. For example, prior to the eleventh meeting of the Conference of the Parties South Africa submitted a proposal to transfer the South African population of African Elephant (*Loxodonta africana*) from Appendix I to II. On introducing the proposal at the Conference of the Parties, South Africa amended the proposal to include a zero quota for trade in ivory products. The proposal was then accepted as amended.

Generally, decisions on amendment proposals are made by consensus. However, whenever the Conference does not reach consensus the decision is put to a vote.

A representative may advocate that parts of a proposal be decided upon separately and may present a motion for division. If any objection is made to this motion for division, the motion shall be voted upon. Before voting on a motion, two Parties in favour of the motion and two against will be granted permission to speak.

If two or more proposals relate to the same taxon and are of the same substance, the Conference shall consider only one proposal. If the proposals are of different substance the order of discussion shall begin with the proposal having the “greatest effect on trade” and so on.

Alternatively, a proposal may be withdrawn when an alternative strategy is proposed. For example, at the eleventh meeting of the Conference of the Parties a proposal to transfer the populations of the musk deer (*Moschus* spp.) from Appendix II to Appendix I was withdrawn as the effect of trade on these species was under review via the Significant Trade process and it was felt that this mechanism should be given the chance to work.

Voting

Each Party has one vote. The usual voting method is by show of hands but any representative may request a roll-call vote. The Presiding Officer may actually call for this method if there is uncertainty regarding the

number of votes cast. Alternatively a representative may request a vote by secret ballot. This request must be seconded by ten Parties to be adopted.

Only affirmative and negative votes are counted in calculating the number of votes cast. Those abstaining from voting or those that cast a vote of abstention are not counted in calculating the majority required. In addition, only Parties present and voting are included in the calculations. Thus it is important for Parties firstly to attend the meetings and secondly, to have their credentials accepted by the Credentials Committee so that they are eligible to vote.

A 2/3 majority vote is required to:

- adopt recommendations to amend Appendices I and II in Plenary session;
- approve resolutions and proposals to amend Appendices I and II in Plenary session;
- adopt motions to amend resolutions and proposals.

Recommendations of Committees I and II are made by the Chair of Committee to the Plenary Session. When Committee I recommendations are introduced in Plenary, any Party may request to reopen debate regarding a species proposal for example. In this case, another Party is required to second the motion to open the debate and 1/3 of the Parties present must support the motion. A 2/3 majority is then required in the Plenary to adopt the proposal. In the absence of further discussion the Plenary adopts or rejects the proposal in accordance with the recommendations of Committee I.

After adoption by Plenary, the revised Appendices come into force 90 days after the meeting of the Conference of the Parties. During this 90 day period Parties that disagree with the listing can take out reservations according to provisions for doing so set out in Resolution Conf. 4.25.

Amendments considered between meetings of the Conference of the Parties

Under the provisions of Article XV (2), any Party may propose an amendment to Appendix I or II for consideration between meetings of the Conference of the Parties, by following postal procedures.

As with amendments considered at meetings, the Secretariat must consult other Parties and, for marine species, other interested bodies on the amendment. Two further procedures apply:

Any Party may, within 60 days of the date on which the Secretariat has communicated its recommendations to the Parties, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

The Secretariat must communicate the replies received together with its own recommendations to the Parties as soon as possible.

If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated, the amendment is adopted. The amendment enters into force 90 days later for all Parties except those entering a reservation according to the provisions for doing so. If an objection by any Party is received by the Secretariat, the proposed amendment is submitted to postal vote following the following provisions:

- *The Secretariat must notify the Parties of receipt of an objection and request them to vote on the proposed amendment.*
- *Unless the Secretariat receives votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of its notification, the proposed amendment must be referred to the next meeting of the Conference of the Parties.*

Provided that votes are received from one half of the Parties, the amendment is adopted by a two-thirds majority of those votes which have been cast either for or against (votes in abstention are not counted to determine the majority). The Secretariat must notify all Parties of the result of the vote. If adopted, the

amendment enters into force 90 days after the Secretariat notifies the Parties of the result of the vote (except for those Parties entering a reservation).

Transfer from Appendix I to Appendix II

Parties wishing to transfer species from Appendix I to Appendix II must do so by submitting an amendment proposal to the Conference of the Parties in accordance with Resolution Conf. 9.24. Proposed transfers may entail the adoption of export quotas (See Section 3.5) or the ranching of the species involved. Specific procedures apply in the latter case.

Transfer based on ranching

Proposals to transfer species from Appendix I to Appendix II based on ranching must follow the procedures specified in Resolution Conf. 11.16. To be discussed at a meeting of the Conference of the Parties, a proposal based on ranching must be received by the Secretariat at least 330 days before the meeting. The Secretariat is then required to consult with the Standing Committee in seeking appropriate scientific and technical advice to verify that the criteria specified in the Resolution have been met. If, in the opinion of the Secretariat, further information is required, the Secretariat must request information from the proposing Party within 150 days after receipt of the proposal. Thereafter, the Secretariat communicates with the Parties according to the procedures set forth in Article XV.

3.2 REVIEW PROCEDURES FOR TRANSFERS FROM APPENDIX I TO APPENDIX II BASED ON QUOTAS OR RANCHING

Where special conditions are attached to the transfer of a species, or part of a species, from Appendix I to Appendix II (namely quotas or export of ranched individuals only), the Conference of the Parties needs to be assured that these conditions continue to be adhered to in a satisfactory manner. In order to do this, review procedures have been developed.

Quotas

The following review procedures apply when a species is transferred to Appendix II and where export quotas are an integral part of the amendment proposal:

- i) where the Plants Committee, the Animals Committee or a Party becomes aware of problems in compliance with the management measures and export quotas of another Party, the Secretariat shall be informed. If the Secretariat fails to resolve the matter satisfactorily, it shall inform the Standing Committee which may, after consultation with the Party concerned, recommend to all Parties that they suspend trade with that Party in specimens of CITES-listed species, and/or request the Depositary Government to prepare a proposal to transfer the population back to Appendix I;*
- ii) if, on review of a quota and its supporting management measures, the Animals or Plants Committee encounters any problems with compliance or potential detriment to a species, the relevant Committee shall request the Depositary Government to prepare a proposal for appropriate remedial action.*

A Party which has a quota established under precautionary measure B.2.d in Annex 4 of Resolution Conf. 9.24, if it wishes to renew, amend or delete the quota is expected to submit a proposal for consideration at the meeting of the Conference of the Parties immediately preceding the expiration of the quota period.

In anticipation of there being no such proposal submitted, the Depositary Government submits a proposal for consideration at the same meeting to impose a zero quota.

Ranching

Resolution Conf. 11.16 also provides a mechanism whereby the Secretariat may report the failure of a Party to comply with the requirements of Resolution Conf. 11.16 to the Standing Committee, and for the Standing Committee to consult directly with the Party. If the matter is not resolved satisfactorily, the Standing Committee may request the Depositary Government to prepare a proposal to transfer the population in question back to Appendix I.

Resolution Conf. 11.16 also recommends that annual ranching operation reports should include any new information on:

- ai) *the status of the wild populations concerned;*
- ii) *the number of specimens (eggs or young) taken annually from the wild;*
- iii) *an estimate of the percentage of the total production of the population taken;*
- iv) *the number of animals released and their survival rates estimated on the basis of surveys and tagging programs, if any;*
- v) *the mortality rate in captivity and causes of mortality;*
- vi) *production, sales, and exports of products; and*
- vii) *conservation programs and scientific experiments carried out in relation to the ranching operation or the wild population concerned.*

Marine turtle ranching criteria

Any Party seeking to transfer a marine turtle population from Appendix I to Appendix II must ensure that procedures for regular, adequate reporting to the Secretariat exist and are implemented. Failure to satisfy this requirement and to show conservation benefit to the population or compliance with other requirements of Resolution Conf. 9.20 (Rev.) may result in the Standing Committee, after full consultation with the Party concerned, requesting the Depositary Government to prepare a proposal to transfer the population concerned back to Appendix I.

3.3 QUOTAS FOR SPECIES INCLUDED IN APPENDIX I

With Resolution Conf. 9.21, the Parties agreed that a Party wanting a quota for a species included in Appendix I should submit to the Secretariat its proposal, with supporting information, at least 150 days before a meeting of the Conference of the Parties.

With regard to leopard quotas, the terms of Resolution Conf. 10.14, paragraph e, require that each country exporting skins under a quota must report annually to the Secretariat on the number exported per year. The Secretariat then reports on implementation of the system to the regular meetings of the Conference of the Parties. Any increase in a leopard export quota or any new quota must be approved by the Conference of the Parties. However, the basis for approval of leopard quotas has not been specified.

Reference to Article III of the Convention and Resolution Conf. 9.21 suggests that it can be argued that the basis of approval would be for the proponent to provide evidence that trade would not be detrimental to the conservation of the species concerned.

A proposal to transfer several southern African populations of cheetah (*Acinonyx jubatus*) from Appendix I to Appendix II was submitted to the eighth meeting of the Conference of the Parties (Kyoto, 1992) and rejected. However, the Parties did agree to quotas for three countries, which allow for the export of whole or nearly whole skins and live animals.

In 1997, in recognition that Pakistan is promoting community-based management of wild species as a conservation tool, the Parties adopted Resolution Conf. 10.15 (Rev.) and approved a quota for the annual export of six Appendix I listed Markhor Hunting Trophies in accordance with Resolution Conf. 2.11 (Rev.) and paragraph 2 of Article III.

3.4 PROCEDURES FOR APPENDIX III

Article XVI of the Convention establishes procedures for listing species on Appendix III. Any Party may at any time submit to the Secretariat for inclusion in Appendix III a list of species subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation. Accompanying this list must be a

copy of all domestic laws and regulations applicable to the protection of those species, with any interpretations that the Party may deem appropriate or the Secretariat may request. (The Party must also submit any amendment of these laws and regulations or any new interpretations as they are adopted for as long as the species remain listed in Appendix III). The Secretariat shall communicate each list submitted by Parties as soon as possible after receipt.

Appendix III includes the names of the Parties submitting the species for inclusion, the scientific name of the species, and any parts or derivatives of the animals or plants specified in relation to the species for the purposes of the definition of "specimen" as set out in Article I (b) of the Convention. Appendix III listings become effective 90 days after the date of the Secretariat's communication, for all Parties except those entering a reservation. A Party that has submitted a species for inclusion in Appendix III may withdraw it at any time by notifying the Secretariat. The withdrawal takes effect for all Parties 30 days from the date of notification by the Secretariat of this withdrawal.

The Parties have emphasized certain procedural requirements and recommended additional conditions in the procedures set out in Article XVI for listing species in Appendix III. These recommendations have been consolidated in Resolution Conf. 9.25 (Rev.), which recommends that, when considering the inclusion of a species in Appendix III, a Party:

- c) *inform the Management Authorities of other range States, the known major importing countries, the Secretariat and the Animals Committee or the Plants Committee that it is considering the inclusion of the species in Appendix III and seek their opinion on the potential effects of such inclusion; and*
- d) *after due consultation, and having satisfied itself that the biological and trade status of the species justifies the action, submit to the Secretariat the name of the species it wishes to include in Appendix III.*

The Resolution recommends further that, unless there is an urgent need for inclusion, a Party intending to include a species in or delete a species from Appendix III inform the Secretariat of its intention at least three months before a meeting of the Conference of the Parties in order that the Parties are informed of the amendment in time to ensure that it enters into force on the same date as amendments to Appendices I and II adopted at the meeting.

The Secretariat is directed:

- a) *to publish the changed Appendices I, II and III after each meeting of the Conference of the Parties, or at other times when warranted; and*
- b) *before communicating to Parties the inclusion of a species in Appendix III, to ensure that copies of all relevant national laws and regulations have been received from the Party concerned according to paragraph 4 of Article XVI.*

The Resolution also:

Urges Parties having included species in Appendix III to periodically review the status of these species and, taking into account these guidelines and any recommendations of the Animals and Plants Committees, to consider the necessity to maintain them in that Appendix.

3.5 RESERVATIONS WITH RESPECT TO AMENDMENTS TO THE APPENDICES

Individual Parties may not always agree with particular amendments to the Appendices which have been adopted by the Conference of the Parties. Parties which do not agree with a particular amendment have the option of entering reservations with respect to species listed on Appendix I, II, or III, or any parts or derivatives specified in relation to a species included in Appendix III (Article XXIII). In effect, if a Party takes out a reservation on an amendment to the Appendices with respect to trade in a particular species, it means that that Party will not be bound by the provisions of the Convention for trade in that species.

Reservations may be entered by a Party at the following moments, by notification in writing to the Depositary Government (Switzerland):

- i) *on depositing its instrument of ratification, acceptance or approval of, or accession to, the Convention (Article XXIII);*
- ii) *during the 90 days after either adoption of the amendment at a meeting of the Conference of the Parties or notification by the Secretariat of approval of the amendment through postal procedure [Article XV (3)]; or*
- iii) *at any time after communication of a list of species to be included in Appendix III [Article XVI (2)].*

The Convention provides that a Party entering a reservation be treated as a non-Party to the Convention with respect to trade in the species or part or derivative in question, until the reservation is withdrawn. However, Resolution Conf. 4.25 recommends that any Party having entered a reservation regarding the listing of a species in Appendix I or the transfer of a species from Appendix II to Appendix I treat that species as if it were listed on Appendix II for all purposes, including documentation and control. It also requests Parties having entered reservations to maintain statistical records on trade in the species in question and to include these statistics in their annual reports.

4. APPROVAL OF CAPTIVE BREEDING OPERATIONS FOR APPENDIX I SPECIES FOR COMMERCIAL PURPOSES

Commercial trade in captive-bred specimens of Appendix I animal species and artificially propagated specimens of Appendix I plant species is allowed under Article VII of the Convention, which provides for specific exemptions to the trade restrictions. The Management Authorities have the primary responsibility for determining whether Appendix I animal species have been bred in captivity and for issuing appropriate documentation for such trade. However, no criteria are provided to guide the Management Authorities in making this determination and difficulties have arisen over interpretation of the terms *captive-bred* and *artificially propagated*. Consequently the Parties have adopted a series of resolutions to establish specific standards and procedures for approving captive breeding operations of Appendix I species for commercial purposes.

The CITES definition of *bred in captivity* adopted in Resolution Conf. 10.16 (Rev.) is as follows:

b) the term "bred in captivity" shall be interpreted to refer only to specimens, as defined in Article I, paragraph (b), of the Convention, born or otherwise produced in a controlled environment, and shall apply only if:

i) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents were in a controlled environment when development of the offspring began, if reproduction is asexual;

and

ii) the breeding stock, to the satisfaction of the competent government authorities of the exporting country:

A) was established in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild;

B) is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with the provisions of CITES and relevant national laws and in a manner not detrimental to the survival of the species in the wild as advised by the Scientific Authority:

1. to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material; or

2. to dispose of confiscated animals in accordance with Resolution Conf. 10.7; or

3. exceptionally, for use as breeding stock; and

C)

1. has produced offspring of second generation (F2) or subsequent generation (F3, F4 etc.) in a controlled environment; or

2 is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment;

A system for the registration of operations that regularly breed Appendix I species for commercial purposes was set up initially under Resolution Conf. 4.15. Parties were requested to refuse any export document certifying Appendix I specimens as captive-bred if the specimens did not derive from an operation registered with the CITES Secretariat. Since then, Resolution Conf. 4.15 has been repealed and Resolution Conf. 8.15 was adopted to set forth a set of comprehensive standards and procedures for approving captive breeding operations for Appendix I species which were not included in the Secretariat's Register as of 13 March 1992.

However, the currently applicable recommendations and procedures of Resolution Conf. 8.15 are problematic and the Animals Committee has reviewed the need for and mechanisms of a revised registration process. At the eleventh meeting of the Conference of the Parties, the Parties adopted Resolution Conf. 11.14 which aims to streamline the registration of captive breeding operations and reduce the workload of the Secretariat when considering such operations. Under Resolution Conf. 11.14 only species that are included in a list of species which are critically endangered in the wild and/or known to be difficult to keep or breed in captivity will require registration with the Secretariat. The Animals Committee was charged after the eleventh meeting of the Conference of the Parties with defining the terms and developing such a list for endorsement by the Standing Committee meeting.

Once the list (intended Annex 3 of Resolution Conf. 11.14) has been approved by the Standing Committee and distributed by the Secretariat, Resolution Conf. 8.15 will be repealed. For those Appendix I species not on the list and for which export is intended for commercial purposes, it is the responsibility of the Management Authority to ensure that each operation complies with the provisions of Resolution Conf. 10.16 (Rev.).

Convention on International Trade in Endangered Species of Wild Fauna and Flora

Signed at Washington, D.C., on 3 March 1973

Amended at Bonn, on 22 June 1979

The Contracting States,

Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora;

Recognizing, in addition, that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end;

Have agreed as follows:

Article I

Definitions

For the purpose of the present Convention, unless the context otherwise requires:

- (a) "Species" means any species, subspecies, or geographically separate population thereof;
- (b) "Specimen" means:
 - (i) any animal or plant, whether alive or dead;
 - (ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and
 - (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;
- (c) "Trade" means export, re-export, import and introduction from the sea;
- (d) "Re-export" means export of any specimen that has previously been imported;
- (e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;

- (f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;
- (g) "Management Authority" means a national management authority designated in accordance with Article IX;
- (h) "Party" means a State for which the present Convention has entered into force.

Article II

Fundamental Principles

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.
2. Appendix II shall include:
 - (a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and
 - (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.
3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.
4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

Article III

Regulation of Trade in Specimens of Species Included in Appendix I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit

shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;
 - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.
3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:
- (a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
 - (b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
 - (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.
4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
- (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
 - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
 - (c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.
5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:
- (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
 - (b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and

- (c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

Article IV

Regulation of Trade in Specimens of Species Included in Appendix II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
 - (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
 - (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.
4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.
5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
 - (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only

be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and
 - (b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.
7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

Article V

Regulation of Trade in Specimens of Species Included in Appendix III

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
 - (a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
 - (b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.
4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

Article VI

Permits and Certificates

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.
2. An export permit shall contain the information specified in the model set forth in Appendix IV, and

may only be used for export within a period of six months from the date on which it was granted.

3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.
4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.
5. A separate permit or certificate shall be required for each consignment of specimens.
6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.
7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

Article VII

Exemptions and Other Special Provisions Relating to Trade

1. The provisions of Articles III, IV and V shall not apply to the transit or transshipment of specimens through or in the territory of a Party while the specimens remain in Customs control.
2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.
3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:
 - (a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or
 - (b) in the case of specimens of species included in Appendix II:
 - (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;
 - (ii) they are being imported into the owner's State of usual residence; and
 - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens;unless a Management Authority is satisfied that the specimens were acquired before the

provisions of the present Convention applied to such specimens.

4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.
5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Article III, IV or V.
6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.
7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:
 - (a) the exporter or importer registers full details of such specimens with that Management Authority;
 - (b) the specimens are in either of the categories specified in paragraph 2 or 5 of this Article; and
 - (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

Article VIII

Measures to Be Taken by the Parties

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:
 - (a) to penalize trade in, or possession of, such specimens, or both; and
 - (b) to provide for the confiscation or return to the State of export of such specimens.
2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.
3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports

of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:
 - (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
 - (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
 - (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under sub-paragraph (b) of this paragraph, including the choice of a rescue centre or other place.
5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.
6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:
 - (a) the names and addresses of exporters and importers; and
 - (b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.
7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:
 - (a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and
 - (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.
8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

Article IX

Management and Scientific Authorities

1. Each Party shall designate for the purposes of the present Convention:
 - (a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and

- (b) one or more Scientific Authorities.
- 2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.
- 3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.
- 4. Any Management Authority referred to in paragraph 2 of this Article shall, if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

Article X

Trade with States not Party to the Convention

Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

Article XI

Conference of the Parties

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.
2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.
3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:
 - (a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;
 - (b) consider and adopt amendments to Appendices I and II in accordance with Article XV;
 - (c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;
 - (d) receive and consider any reports presented by the Secretariat or by any Party; and
 - (e) where appropriate, make recommendations for improving the effectiveness of the present Convention.
4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.
5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.

6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.
7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:
 - (a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and
 - (b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.
 Once admitted, these observers shall have the right to participate but not to vote.

Article XII

The Secretariat

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.
2. The functions of the Secretariat shall be:
 - (a) to arrange for and service meetings of the Parties;
 - (b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;
 - (c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;
 - (d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;
 - (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;
 - (f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices;
 - (g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;

- (h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;
- (i) to perform any other function as may be entrusted to it by the Parties.

Article XIII

International Measures

1. When the Secretariat in the light of information received is satisfied that any species included in Appendix I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.
2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.
3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

Article XIV

Effect on Domestic Legislation and International Conventions

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:
 - (a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or
 - (b) domestic measures restricting or prohibiting trade, taking, possession or transport of species not included in Appendix I, II or III.
2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.
3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external Customs control and removing

Customs control between the parties thereto insofar as they relate to trade among the States members of that union or agreement.

4. A State party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.
5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.
6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article XV

Amendments to Appendices I and II

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:
 - (a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.
 - (b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
 - (c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:

- (a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.
- (b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.
- (c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.
- (d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraph (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.
- (e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.
- (f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
- (g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.
- (h) The Secretariat shall notify the Parties that notification of objection has been received.
- (i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.
- (j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.
- (k) The Secretariat shall notify all Parties of the result of the vote.
- (l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment.
Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned.

Article XVI

Appendix III and Amendments thereto

1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of sub-paragraph (b) of Article I.
2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.
3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.
4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any interpretations as they are adopted.

Article XVII

Amendment of the Convention

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by

a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.
3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

Article XVIII

Resolution of Disputes

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.
2. If the dispute can not be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

Article XIX

Signature

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.

Article XX

Ratification, Acceptance, Approval

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

Article XXI

Accession

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.

Article XXII

Entry into Force

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.
2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article XXIII

Reservations

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.
2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:
 - (a) any species included in Appendix I, II or III; or
 - (b) any parts or derivatives specified in relation to a species included in Appendix III.
3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

Article XXIV

Denunciation

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

Article XXV

Depositary

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.
2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of

signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.

3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in

accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

Done at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.

GUIDE ANNEX 2. CONSOLIDATION OF RESOLUTIONS

2.1 OVERVIEW

The text of the Convention provides a basic framework for implementation of the Convention. However, regulating international trade in wildlife and wildlife products is a complex and ever-changing exercise. Consequently, guidance on interpretation of the text of the Convention is provided in the many Resolutions of the Conference of the Parties adopted by the Parties at the biennial meetings.

A total of 234 resolutions has been adopted by the Parties, from the first meeting of the Conference of the Parties held in Berne, Switzerland in 1976, to the eleventh meeting held in Gigiri, Kenya in 2000, with 77 of these in force in 2001. Some resolutions provided short-term instructions in response to a particular need and have become irrelevant over time. Others have provided long-term guidance on the application or interpretation of the Convention, and have fully retained their usefulness. In other instances, only specific elements of certain resolutions have remained relevant.

In 1992, the Standing Committee agreed to undertake a review of the existing resolutions in an effort to facilitate the understanding and implementation of the resolutions. The review involves repealing the resolutions and parts thereof that are no longer useful or relevant, consolidating the resolutions that deal with the same subject, and removing any parts that are conflicting or duplicative. At the eleventh meeting, the Conference of the Parties adopted 22 new resolutions, of which a number consolidated and replaced 12 previous resolutions, and required revisions to 12 existing ones. The result is that 77 resolutions are now in force. These comprise 55 resolutions from the first to the tenth meetings still in effect, and the 22 new resolutions adopted at the eleventh meeting.

The main value of the consolidation exercise is that guidance on basic implementation issues and interpretation of the Convention can be found more easily in a single, comprehensive resolution rather than by referring to several, sometimes conflicting, resolutions. For example:

- Resolution Conf. 9.24 on Criteria for Amendment of Appendices I and II replaces twelve previous resolutions.

The consolidation of CITES resolutions continues as an ongoing process, according to new guidelines for drafting resolutions adopted as Decisions of the Conference of the Parties at the eleventh meeting (Decisions 11.9, 11.10, 11.11, 11.12 and 11.13). These guidelines make recommendations to Management Authorities when drafting a resolution intended to be exhaustive, or to treat a subject comprehensively, or to make significant changes in a way in which a subject is dealt with. In these cases, a Party should prepare the draft so that, if adopted, it will replace and repeal all existing resolutions (or, as appropriate, the relevant paragraphs) on the same subject.

It is recommended that, unless impractical, draft resolutions should not include instructions or requests to Committees, Working Groups or the Secretariat unless they are part of a long-term procedure. They should also not include decisions on the presentation of the Appendices, or recommendations or other forms of decisions that would soon be obsolete. Such instructions are now recorded separately as Decisions of the Conference of the Parties, which are to be updated and circulated to the Parties after each meeting of the Conference of the Parties.

Draft resolutions designed merely to add points to the recommendations or other decisions in existing resolutions, or to make minor amendments, should, if adopted, result in the Secretariat replacing the existing resolution with a revised version with the agreed changes. For example:

- The replacement of Resolution Conf. 10.18 with Resolution Conf. 11.16 for ranching and trade in ranchered specimens of species transferred from Appendix I to Appendix II.

2.2 RESOLUTIONS REMAINING IN FORCE

The following resolutions currently remain in force. Resolutions revised or amended later, usually through the adoption of other resolutions, are identified with the annotation "(Rev.)". Those resolutions in bold are included in this booklet.

Conf 1.3	Deletion of species from Appendix II or III in certain circumstances
Conf. 1.5 (Rev.)	Interpretation and Implementation of certain provisions of the Convention
Conf. 1.6 (Rev.)	Rare island fauna and flora and collection of wild animals for the pet trade
Conf. 2.10 (Rev.)	Interpretation of Article VII
Conf. 2.11 (Rev.)	Trade in hunting trophies of species listed in Appendix I
Conf. 3.4	Technical cooperation
Conf. 4.6 (Rev.)	Submission of draft resolutions and other documents for meetings of the Conference of the Parties
Conf. 4.22	Proof of foreign law
Conf. 4.25	Effects of reservations
Conf. 4.27	Interpretation of Article XVII, paragraph 3, of the Convention
Conf. 5.10	Definition of 'primarily commercial purposes'
Conf. 5.11	Definition of the term 'pre-Convention specimen'
Conf. 5.20	Guidelines for the Secretariat when making recommendations in accordance with Article XV
Conf. 6.5 (Rev.)	Implementation of CITES in the European Economic Community
Conf. 6.7	Interpretation of Article XIV, paragraph 1, of the Convention
Conf. 7.12 (Rev.)	Marking requirements for trade in specimens of taxa with populations in both Appendix I and Appendix II
Conf. 8.2 (Rev.)	Implementation of the Convention in the European Economic Community (EEC)
Conf. 8.3	Recognition of the benefits of trade in wildlife
Conf. 8.4	National laws for implementation of the Convention
Conf. 8.9 (Rev.)	Trade in specimens of Appendix-II species taken from the wild
Conf. 8.13 (Rev.)	Use of coded-microchip implants for marking live animals in trade
Conf. 8.15	Guidelines for a procedure to register and monitor operations breeding Appendix I animals for commercial purposes
Conf. 8.16	Travelling live-animal exhibitions
Conf. 8.21	Consultation with range States on proposals to amend Appendices I and II
Conf. 8.22 (Rev.)	Additional criteria for the establishment of captive breeding operations for crocodylians
Conf. 9.5	Trade with States not party to the Convention
Conf. 9.6 (Rev.)	Trade in readily recognisable parts and derivatives
Conf. 9.7	Transit and shipment
Conf. 9.9	Confiscation of specimens exported or re-exported in violation of the Convention
Conf. 9.10 (Rev.)	Disposal of illegally traded, confiscated and accumulated specimens
Conf. 9.14 (Rev.)	Conservation of rhinoceros in Asia and Africa
Conf. 9.19	Guidelines for the registration of nurseries exporting artificially propagated specimens of Appendix-I species
Conf. 9.20 (Rev.)	Guidelines for evaluating marine turtle ranching proposals submitted pursuant to Resolution Conf. 10.18
Conf. 9.21	The interpretation and application of quotas for species included in Appendix I
Conf. 9.24	Criteria for amendment of Appendices I and II
Conf. 9.25 (Rev.)	Inclusion of species in Appendix III

Conf. 10.2 (Rev.)	Permits and certificates
Conf. 10.3	Designation and role of the Scientific Authorities
Conf. 10.4	Cooperation and synergy with the Convention on Biological Diversity
Conf. 10.5	Shipments covered by ATA and TIR carnets
Conf. 10.6	Control of trade in tourist souvenir specimens
Conf. 10.7	Disposal of confiscated live specimens of species included in the Appendices
Conf. 10.8	Conservation of and trade in bears
Conf. 10.9	Consideration of proposals for the transfer of African elephant populations from Appendix I to II
Conf. 10.10 (Rev.)	Trade in elephant specimens
Conf. 10.11	Conservation of the houbara bustard
Conf. 10.12 (Rev.)	Conservation of sturgeons
Conf. 10.13	Implementation of the Convention for timber species
Conf. 10.14	Quotas for leopard hunting trophies and skins for personal use
Conf. 10.15 (Rev.)	Establishment of quotas for Markhor hunting trophies
Conf. 10.16 (Rev.)	Specimens of animal species bred in captivity
Conf. 10.17 (Rev.)	Animal hybrids
Conf. 10.19	Traditional medicines
Conf. 10.20	Frequent cross-border movements of personally owned live animals
Conf. 10.21	Transport of live animals
Conf. 11.1	Establishment of Committees
Conf. 11.2	Financing and budgeting of the Secretariat and of meetings of the Conference of the Parties
Conf. 11.3	Compliance and enforcement
Conf. 11.4	Conservation of cetaceans, trade in cetacean specimens and the relationship with the International Whaling Commission
Conf. 11.5	Conservation of and trade in tigers
Conf. 11.6	Trade in vicuña cloth
Conf. 11.7	Conservation of and trade in musk deer
Conf. 11.8	Conservation of and control of trade in Tibetan antelope
Conf. 11.9	Conservation of and trade in freshwater turtles and tortoises in Asia and other regions
Conf. 11.10	Trade in hard corals
Conf. 11.11	Regulation of trade in plants
Conf. 11.12	Universal tagging system for the identification of crocodilian skins
Conf. 11.13	Universal labelling system for the identification of caviar
Conf. 11.14	Guidelines for a procedure to register and monitor operations that breed Appendix I animal species for commercial purposes
Conf. 11.15	Non-commercial loan, donation or exchange of museum and herbarium specimens
Conf. 11.16	Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II
Conf. 11.17	Annual reports and monitoring of trade
Conf. 11.18	Trade in Appendix-II and -III species
Conf. 11.19	Identification Manual
Conf. 11.20	Definition of the term 'appropriate and acceptable destinations'
Conf. 11.21	Use of annotations in Appendices I and II
Conf. 11.22	Standard nomenclature

The following resolutions dealing with financial and budgetary matters have not been formally repealed, though each one has been superseded by the next one. These remain in effect as an indication of the scale of contributions agreed by the Conference of the Parties for past years, and that unpaid contributions have still to be paid at the rates indicated.

- Conf. 2.1** Financing of the Secretariat and of Meetings of the Conference of the Parties
- Conf. 3.2** Financing of the Secretariat and of Meetings of the Conference of the Parties
- Conf. 4.3** Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties
- Conf. 5.1** Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties (*amendment to Conf. 4.2 repealed by Conf. 6.1*)
- Conf. 6.2** Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties
- Conf. 7.2** Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties
- Conf. 8.1** Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties
- Conf. 9.2** Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties
- Conf. 10.1** Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties
- Conf 11.2** Financing and Budgeting of the Secretariat and of Meetings of the Conference of the Parties

GUIDE ANNEX 3 - AGENCY ADDRESSES

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Botswana (c)
Burkina Faso (r)
Cameroon (r)
Canada (c)
Costa Rica (r)
Czech Republic (c)
Ecuador (r)
Germany*
Guinea-Bissau (c)
Kenya (r)
Laos (c)
Mali (c)
Mozambique (c)
Nepal (c)
Netherlands (r)
Niger (r)
Pakistan (c)
Poland (r)
Russian Federation (r)
Senegal (c)
Sri Lanka (c)
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GUIDE ANNEX 4 - LIST OF PARTIES

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

List of Parties

<i>State/Estado/Etat</i>	<i>Date of entry into force/ Fecha de entrada en vigor/ Date d'entrée en vigueur</i>
Afghanistan/Afganistán	28.01.86
Algeria/Argelia/Algérie	21.02.84
Antigua and Barbuda/Antigua y Barbuda/Antigua-et-Barbuda	06.10.97
Argentina/Argentine	08.04.81
Australia/Australie	27.10.76
Austria/Autriche	27.04.82
Azerbaijan/Azerbaidján/Azerbaïdjan	21.02.99
Bahamas	18.09.79
Bangladesh	18.02.82
Barbados/Barbade	09.03.93
Belarus/Belarús/Bélarus	08.11.95
Belgium/Bélgica/Belgique	01.01.84
Belize/Belice	21.09.81
Benin/Bénin	28.05.84
Bolivia/Bolivie.....	04.10.79
Botswana	12.02.78
Brazil/Brasil/Brésil	04.11.75
Brunei Darussalam/Brunéi Darrussalam	02.08.90
Bulgaria/Bulgarie.....	16.04.91
Burkina Faso	11.01.90
Burundi	06.11.88
Cambodia/Camboya/Cambodge	02.10.97
Cameroon/Camerún/Cameroun	03.09.81
Canada/Canadá	09.07.75
Central African Republic/República Centrafricana/ République centrafricaine	25.11.80
Chad/Tchad	03.05.89
Chile/Chili	01.07.75
China/Chine	08.04.81
Colombia/Colombie	29.11.81
Comoros/Comoras/Comores	21.02.95
Congo.....	01.05.83
Costa Rica	28.09.75
Côte d'Ivoire	19.02.95
Croatia/Croacia/Croatie	12.06.00
Cuba	19.07.90
Cyprus/Chipre/Chypre	01.07.75
Czech Republic/República Checa/République tchèque.....	01.01.93
Denmark/Dinamarca/Danemark	24.10.77

State/Estado/Etat	Date of entry into force/ Fecha de entrada en vigor/ Date d'entrée en vigueur
Djibouti	07.05.92
Dominican Republic/República Dominicana/ Dominica/Dominique	02.11.95
République dominicaine	17.03.87
Ecuador/Equateur	01.07.75
Egypt/Egipto/Egypte	04.04.78
El Salvador	29.07.87
Equatorial Guinea/Guinea Ecuatorial/Guinée équatoriale.....	08.06.92
Eritrea/Erythrée	22.01.95
Estonia/Estonie	20.10.92
Ethiopia/Etiopia/Ethiopie	04.07.89
Fiji/Fidji	29.12.97
Finland/Finlandia/Finlande	08.08.76
France/Francia	09.08.78
Gabon/Gabón.....	14.05.89
Gambia/Gambie	24.11.77
Georgia/Géorgie	12.12.96
Germany/Alemania/Allemagne	20.06.76
Ghana	12.02.76
Greece/Grecia/Grèce	06.01.93
Grenada/Granada/Grenade	28.11.99
Guatemala	05.02.80
Guinea/Guinée	20.12.81
Guinea-Bissau/Guinée-Bissau	14.08.90
Guyana.....	25.08.77
Honduras	13.06.85
Hungary/Hungría/Hongrie	27.08.85
Iceland/Islandia/Islande.....	02.04.00
India/Inde	18.10.76
Indonesia/Indonésie	28.03.79
Iran, Islamic Republic of/Irán, República Islámica del/ Iran, République islamique d'	01.11.76
Israel/Israël	17.03.80
Italy/Italia/Italie	31.12.79
Jamaica/Jamaïque	22.06.97
Japan/Japón/Japon	04.11.80
Jordan/Jordania/Jordanie	14.03.79
Kazakhstan/Kazajstán	19.04.00
Kenya	13.03.79
Latvia/Letonia/Lettonie	12.05.97
Liberia/Libéria.....	09.06.81
Liechtenstein	28.02.80
Luxembourg/Luxemburgo	12.03.84
The former Yugoslav Republic of Macedonia/La ex República Yugoslava de Macedonia/L'ex-République yougoslave de Macédoine	02.10.00
Madagascar	18.11.75
Malawi.....	06.05.82
Malaysia/Malasia/Malaisie	18.01.78
Mali/Malí	16.10.94
Malta/Malte	16.07.89
Mauritania/Mauritanie	11.06.98
Mauritius/Mauricio/Maurice	27.07.75
Mexico/México/Mexique	30.09.91

State/Estado/Etat	Date of entry into force/ Fecha de entrada en vigor/ Date d'entrée en vigueur
Monaco/Mónaco	18.07.78
Mongolia/Mongolie	04.04.96
Morocco/Marruecos/Maroc	14.01.76
Mozambique	23.06.81
Myanmar	11.09.97
Namibia/Namibie	18.03.91
Nepal/Népal	16.09.75
Netherlands/Paises Bajos/Pays-Bas	18.07.84
New Zealand/Nueva Zelandia/Nouvelle-Zélande	08.08.89
Nicaragua	04.11.77
Niger/Níger	07.12.75
Nigeria/Nigéria	01.07.75
Norway/Noruega/Norvège	25.10.76
Pakistan/Pakistán	19.07.76
Panama/Panamá	15.11.78
Papua New Guinea/Papua Nueva Guinea/ Papouasie-Nouvelle-Guinée	11.03.76
Paraguay	13.02.77
Peru/Perú/Pérou	25.09.75
Philippines/Filipinas	16.11.81
Poland/Polonia/Pologne.....	12.03.90
Portugal	11.03.81
Qatar	06.08.01
République Dominicaine	17.03.87
Republic of Korea/República de Corea/République de Corée	07.10.93
Republic of Moldova/République de Moldova	27.06.01
Russian Federation/Federación de Rusia/Fédération de Russie	01.01.92
Rwanda	18.01.81
Saint Kitts and Nevis/Saint Kitts y Nevis/Saint-Kitts-et-Nevis	15.05.94
Saint Lucia/Santa Lucía/Sainte-Lucie	15.03.83
Saint Vincent and the Grenadines/San Vicente y las Granadinas/ Saint Vincent-et-Grenadines	28.02.89
Saudi Arabia/Arabia Saudita/Arabie Saoudite	10.06.96
Senegal/Sénégal	03.11.77
Seychelles	09.05.77
Sierra Leone/Sierra Leona	26.01.95
Singapore/Singapur/Singapour	28.02.87
Slovenia/Eslovenia/Slovénie	23.04.00
Slovakia/Eslovaquia/Slovaquie	01.01.93
Somalia/Somalie	02.03.86
South Africa/Sudáfrica/Afrique du Sud	13.10.75
Spain/España/Espagne	28.08.86
Sri Lanka	02.08.79
Sudan/Sudán/Soudan	24.01.83
Suriname	15.02.81
Swaziland	27.05.97
Sweden/Suecia/Suède	01.07.75
Switzerland/Suiza/Suisse	01.07.75
Thailand/Tailandia/Thaïlande	21.04.83
The Former Yugoslav Republic of Macedonia/La ex República Yugoslava de Macedonia/ L'ex-République yougoslave de Macédoine	02.10.00
Togo	21.01.79
Trinidad and Tobago/Trinidad y Tabago/Trinité-et-Tobago	18.04.84

State/Estado/Etat	Date of entry into force/ Fecha de entrada en vigor/ Date d'entrée en vigueur
Tunisia/Túnez/Tunisie	01.07.75
Turkey/Turquía/Turquie	22.12.96
Uganda/Ouganda	16.10.91
United Republic of Tanzania/República Unida de Tanzania/ République-Unie de Tanzanie Unida	27.02.80
Ukraine/Ucrania	29.03.00
United Arab Emirates/Emiratos Arabes Unidos/ Emirats arabes unis	09.05.90
United Kingdom of Great Britain and Northern Ireland/ Reino Unido de Gran Bretaña e Irlanda del Norte/ Royaume-Uni de Grande-Bretagne et d'Irlande du Nord	31.10.76
United States of America/Estados Unidos de América/ Etats-Unis d'Amérique.....	01.07.75
Uruguay	01.07.75
Uzbekistan/Ouzbékistan/Uzbekistán	08.10.97
Vanuatu	15.10.89
Venezuela	22.01.78
Viet Nam.....	20.04.94
Yemen/Yémen	03.08.97
Zaire/Zaire	18.10.76
Zambia/Zambie.....	22.02.81
Zimbabwe	17.08.81

GUIDE ANNEX 5 - GLOSSARY

AMENDMENT PROPOSAL

An amendment proposal is one that seeks to change the listing of species on the Appendices. The amendment may involve inclusion in transfer between or deletion from the Appendices.

ANIMALS COMMITTEE AND PLANTS COMMITTEE

Elected regional representatives of the Committees provide advice and guidance on all technical and scientific matters relevant to trade in species included in the Appendices. Specific responsibilities of the Committees include playing a key role in the Significant Trade review process, liaising with scientific authorities and dealing with identification and nomenclature issues.

APPEAL

A Party may appeal to a decision of the Chair of Committee I and II and Plenary by stating “I appeal to the decision of the Chairman”. The Chairman must then put the appeal to a vote by Parties. A simple majority is required to reject the decision.

APPENDIX I

This Appendix includes all species threatened with extinction which are or may be affected by trade. Inclusion on this Appendix offers species the highest level of protection as commercial trade is effectively prohibited and is only authorised in exceptional circumstances.

APPENDIX II

This Appendix includes species which may become threatened with extinction unless trade is strictly regulated and monitored. Trade in Appendix II species is permitted but is strictly regulated to avoid utilisation incompatible with survival. Export permits are required for international trade but will only be issued if the Scientific Authority of the State of export is satisfied that such export will not be detrimental to the survival of that species. Continual monitoring is vital to ensure that this condition is met. If trade is found to be detrimental, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species (Article IV, paragraph 3).

In addition to those species which may become threatened with extinction unless trade is regulated, a species should be included in this Appendix if it cannot be reliably distinguished from a listed species or if most of the other species of the taxon are included in Appendix II. The aim of listing these so called “look-alike” species is to reduce the chances of listed species being traded as non-CITES specimens.

APPENDIX III

This Appendix includes species for which trade must be regulated and controlled, through co-operation with other Parties to prevent or restrict exploitation. Although inclusion in this Appendix offers the least protection, penalties may be imposed for illegal taking, trade or possession.

BUDGET COMMITTEE

The Budget Committee is responsible for making financial recommendations to the meeting of the COP.

BUREAU

The Bureau is responsible for the enforcement of the Rules of Procedure and for maintenance of an efficient timetable at meetings of the COP. It consists of the Chairman and Vice-Chairman of the Conference, the Chairmen of Committees I and II and Chairman of the Budget, Credentials and Standing Committees and the Secretariat.

CAPTIVE BREEDING

Unlike ranching, animals are bred in captivity from wild caught or captive-bred parents. Captive breeding may be carried out for commercial purposes or for conservation reasons e.g. supplementation of endangered populations. Captive breeding is defined in Resolution Conf. 10.16 (Rev.). Regarding related terminology used in this resolution, F1 (first-generation offspring) refers to specimens produced in a controlled environment from parents at least one of which was conceived in or taken from the wild. F2

(offspring of second generation) or subsequent generation (F3, F4 etc) are specimens produced in a controlled environment from parents that were also produced in a controlled environment. A controlled environment is an environment that is manipulated for the purpose of producing animals of a particular species (see Resolution Conf. 10.16 (Rev.) for full definition).

COMMERCIAL

An activity can generally be described as ‘commercial’ if its purpose is to obtain economic benefit including profit (whether in cash or in kind) and is directed toward resale, exchange, provision of a service or other form of economic use or benefit. See Resolution Conf. 5.10 for the full definition.

COMMITTEE I

This Committee, which operates at meetings of the COP is responsible for making recommendations to the Plenary sessions regarding amendment of the Appendices or other issues of a biological nature.

COMMITTEE II

This Committee, which operates at meetings of the COP is responsible for recommendations to the Plenary sessions of the COP in relation to matters outside the remit of Committee I and relating particularly to implementation and enforcement of the Convention.

CREDENTIALS COMMITTEE

A group of Party representatives appointed during the meeting and who are responsible for confirming the credentials of the Parties and consequently granting the right to vote.

DECISION

Decisions of the Conference of the Parties to CITES are generally to be implemented within a short time and then become obsolete. They include instructions to Committees, working groups or the Secretariat, unless the tasks to be done are part of a long term procedure. After each meeting of the Conference, the Secretariat updates the list of Decisions, including all the new recommendations (or other forms of decision) that are not included in the Resolutions. Any Decisions that are no longer in effect (for example because they have been implemented or superceded) are deleted.

INTRODUCTION FROM THE SEA

This phrase refers to a CITES Appendix I or II listed species that is caught from a marine environment that is not within the jurisdiction of a State. The “State of introduction” refers to the State in which a specimen is first landed. If this State then intends to use the landed catch an “Introduction from the sea” certificate is issued by the Management Authority of the landing State. If export is planned then this certificate must be presented to obtain the relevant permit(s). The certificate must also be presented to customs authorities of a transit State pending movement to another State.

LISTING CRITERIA

This phrase refers to the criteria included in Resolution Conf. 9.24 (Rev.). There are three sets of criteria for listing a given species respectively under Appendix I (Annex 1) or Appendix II (Annex 2a and 2b). Requirements for inclusion in Appendix III can be found in Resolution Conf. 9.25 (Rev.).

MANAGEMENT AUTHORITY

Each Party, upon signing the Convention is required to designate at least one of each of a Scientific Authority (see below) and Management Authority. Responsibilities of the Management Authority include granting and monitoring of permits, certificates and labelling systems. Other responsibilities are outlined in Article IX.

NOMENCLATURE COMMITTEE

Responsibilities of the Nomenclature Committee include ensuring the preparation or adoption of standardised nomenclatural references, correct use of nomenclature within Convention documentation and that any changes in nomenclature do not alter the protection of the taxa concerned.

NON-DETRIMENT FINDING

The Convention text requires that the export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit (CITES Article IV, paragraph 2). An export permit shall only be granted when the Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species, (Article IV, paragraph 2(a)). In order to make this finding, a Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species (Article IV, paragraph 3).

NOTIFICATION

A notification is a non legal administrative communication between the Secretariat and the Parties.

OBSERVER

This term describes a representative of an organisation (governmental, non-governmental or intergovernmental) or any State not Party to the Convention. The organisation must first be considered technically qualified in protection, conservation or management of wildlife, must have been approved by the State in which it is located and must have informed the Secretariat of its desire to be represented at the meeting.

PARTY

A "Party" to CITES is a State which has deposited its instrument of ratification, acceptance, approval or accession and for which the present Convention has entered into force.

PLENARY SESSIONS

The final decisions of the COP are made in the Plenary Sessions. All components of the Conference of the Parties including the Secretariat, Standing Committee, Committee I, Committee II, the Animals Committee, the Plants Committee, the Budget Committee, and the Nomenclature Committee attend Plenary sessions.

POINT OF ORDER

Parties can call 'Point of Order' in the sessions of the COP to indicate that the Chairman or another Party is violating a Rule of Procedure and a request to have the rule enforced. A speaker or the Chairman may be interrupted, then the Chairman must make a decision relating to the Point of Order.

PRESIDING OFFICER

This person is responsible for the running of the meeting of the Conference of the Parties. He or she declares the session open and closed, rules on points of order, accords the right to speak, imposes time limits and is responsible for other duties as listed in Rule 16 Doc. 11.1 (Rev. 1).

QUORUM

A quorum can be defined as a requirement that one half of the Parties attending the meeting have delegations present before a Plenary Session of the meeting, or a session of Committee I or II, can commence. This is to ensure that the meeting is representative.

RANCHING

This is defined as the extraction from the wild, usually of eggs, young or neonates for rearing under controlled conditions where survival is generally enhanced, until the specimens are large enough to be traded. Under certain conditions, the operation may be supplemented by wild caught adults. Because ranching provides an incentive to maintain wild populations and their habitats, such operations are likely to have greater conservation benefit than captive breeding systems (Resolution Conf. 11.16).

RANGE STATE

When a species occurs naturally i.e. is native or endemic to a particular country, that country is termed a range State.

RESERVATION

If any Party disagrees with the inclusion of a species in the Appendices they have the right to place a reservation (see section 3.3 of this guide). As a consequence of such action, the Party will be considered a non-Party with respect to regulation measures imposed by the adopted proposal. Parties can place reservations either at the time of their accession to the Convention, or during the 90 days before the amended listings come into force (Article XXIII).

RESOLUTION

Resolutions are generally of a long lasting nature (in comparison to the short term nature of ‘Decisions’ – see above). They include decisions regarding the budget and the financial contributions of the Parties; terms of reference of Committees; interpretations of the provisions of the Convention; and recommendations designed to harmonise the implementation of the Convention and to improve the effectiveness of the Convention. Resolutions are submitted by Parties for discussion during the biennial COP. Only the COP may decide that a Resolution is no longer effective and decide to repeal it.

SCIENTIFIC AUTHORITY

Each Party, upon signing the Convention is required to designate at least one of each of a Scientific Authority and Management Authority (see above). The Scientific Authorities of export and import countries take scientific findings into account and advise on issuance of permits for trade in Appendix I and II species. They may also recommend remedial actions regarding the status of native Appendix II species.

SECRETARIAT

The Secretariat helps the Parties to implement the Convention by providing interpretation of the provisions of the Convention, and advice on its practical implementation. See Article XII.

SIGNIFICANT TRADE PROCESS

The Significant Trade process involves continual review of the biological, trade and other relevant information on Appendix II species in order to identify problems regarding the implementation of Article IV, paragraphs 2(a), 3 and 6(a). The review is carried out by the Animals Committee and Plants Committee in co-operation with the Secretariat along with appropriate experts. Once possible problems are identified, range States are consulted and recommendations are made. Primary recommendations include, for example, administrative procedures, specific quotas, zero quotas or temporary export restrictions. Examples of secondary recommendations are field studies or evaluation of threats to populations. Where sufficient information on trade and biological status of the species under review is not available: taxon-specific status assessments, country-specific status assessments and establishment of cautious quotas as an interim measure are recommended. Following such assessments, recommendations should be made as appropriate. The progress of this review and measures adopted and recommended should be reported at each meeting of the COP to implement Article IV for Appendix II species subject to significant trade (Resolution Conf. 8.9 (Rev.)).

SIMPLE MAJORITY

This refers to cases when over 50% (i.e. minimum 51%) of Parties present and voting vote either for or against a motion. Only affirmative and negative votes will be counted. Those Parties abstaining from voting will not be included in the calculation.

SPECIES

The CITES definition of “species” is included in Article I. It states that for the purpose of the present Convention, unless the context otherwise requires:

“Species” means any species, subspecies, or geographically separate population thereof.’

However, this definition may cause problems in relation to numerical guidelines. This becomes particularly apparent when one refers to Resolution Conf. 9.24. For instance, within Annex 5, guideline figures have been stated for “Population” and “Sub-Population”. Population is defined as the total

number of individuals of the species (as defined in Article I) and a figure of less than 5,000 individuals has been given as an estimate of a small population size. However, sub populations are defined as including geographically distinct populations for which a figure of less than 500 individuals has been given as an appropriate guideline of a very small sub population. Confusion may arise at this point because “geographically separate populations” also fall under the umbrella definition of “species” according to Article I. Hence, the two figures (500 and 5,000) are theoretically interchangeable.

STANDING COMMITTEE

This Committee is composed of regional representatives elected by the COP. A major responsibility is to steer the work of the Convention between COPs. Important duties include; provision of general policy and operational direction to the Secretariat regarding implementation of the Convention, advice on requirements of the meetings, supervision of the development and execution of the Secretariat's budget and fund raising activities, coordination and advice to other Committees and working groups and preparation of draft resolutions for consideration at the COP.

SUPPORTING STATEMENT

This document contains the explanation and evidence to back up an amendment proposal (with which it is submitted). The items for inclusion in the supporting statement are laid out in Resolution Conf. 9.24, Annex 6 “Format for proposals to amend the Appendices”. For example, it may include a review of the relevant literature, the main concerns of the Parties regarding implementation of the Convention and potential management plans for the future.

TRADE

Trade in CITES terms means export, re-export, import and introduction from the sea, and does not necessarily refer to commercial trade.

VOTING PROCEDURES:

Show of Hands

This method involves a simultaneous show of hands to vote. Votes are counted by tellers.

Roll- Call Vote

A roll-call vote might be initiated by the Presiding Officer if there exists any doubt regarding the number of votes cast. This vote is taken in the seating order of the delegations. Delegations are called to vote one by one to maximise counting accuracy. Voting by roll-call shall be expressed by “yes”, “no” or “abstain”

Secret Ballot

This method enables Parties to vote confidentially with minimal political pressure from other Parties. All votes in respect of the election of officers or of prospective host countries shall be by secret ballot when there is more than one candidate. Any representative may request a secret ballot for other matters. The request must be seconded by ten representatives. Voting by secret ballot shall be expressed by “yes”, “no” or “abstain”.

